

Item No: C08/19-175

## **FINALISATION OF THE VOLUNTARY PLANNING AGREEMENT AND DEVELOPMENT CONTROL PLAN FOR 264 WOODVILLE ROAD, MERRYLANDS EAST (FORMER JOHN COOTES SITE)**

Responsible Division: Environment & Planning  
Officer: Director Environment & Planning  
File Number: SC185  
Community Strategic Plan Goal: *A resilient built environment*

### **SUMMARY**

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The planning proposal for 264 Woodville Road, Merrylands (the former John Cootes Furniture Warehouse site) was endorsed by Council at its ordinary meeting of 20 February 2019. The resolution also required the preparation of an acceptable Voluntary Planning Agreement (VPA) and site-specific Development Control Plan (DCP) to finalise the planning proposal.

As required by Council's resolution, a draft VPA and a revised draft site-specific DCP have been prepared and publicly exhibited for a period of 28 days. This report outlines the feedback received during exhibition.

It is recommended that the draft VPA be executed and the revised draft DCP be adopted. Support of these recommendations by Council will enable the planning proposal to be finalised and gazetted by the Department of Planning, Industry and Environment.

### **RECOMMENDATION**

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#### **That Council:**

- 1. Note the matters raised in submissions received during the exhibition of the draft Voluntary Planning Agreement and revised draft Development Control Plan;**
- 2. Endorse and delegate authority to the Mayor and General Manager to execute the Voluntary Planning Agreement on behalf of Council for 246-264 Woodville Road, 2-4, 6, 8-8A, 10-12 and 14-16 Lansdowne Street, and Highland Street, Merrylands East, as provided in Attachment 1;**
- 3. Adopt the revised site specific Development Control Plan as an amendment to the Parramatta Development Control Plan 2011, as provided in Attachment 3, with the Development Control Plan coming into effect on the date of notification (gazettal) of the Local Environmental Plan amendment;**

4. **Delegate to the General Manager the authority to make minor, non-policy corrections or formatting changes to the draft Development Control Plan controls, if required, prior to it coming into effect; and**
5. **Note that the finalisation of the planning proposal and gazettal of the Local Environmental Plan amendment will be undertaken by the Department of Planning, Industry and Environment once the Voluntary Planning Agreement has been executed and registered on title.**

## REPORT

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### ***Background***

On 20 February 2019, Council considered a report on the planning proposal for 244 and 246-264 Woodville Road, 2-4, 6, 8-8A, 10-12 and 14-16 Lansdowne Street, and 19 Highland Street, Merrylands and also known as the Merrylands East Neighbourhood Centre (the Site). At the meeting, Council resolved to:

1. *Proceed with the following controls for the Site, as outlined in the Gateway Determination (of 24 June 2016): B4 Mixed Use zone with a maximum building height of 31m and maximum FSR of 2:1 across the site;*
2. *Endorse an amended Planning Proposal as per recommendation 1 above, to forward to the Department of Planning, [Industry] and Environment, subject to the negotiation of a planning agreement to the satisfaction of Council prior to finalisation;*
3. *Amend the Development Control Plan (DCP) controls '4.1.12 Woodville Road Neighbourhood Centre Precinct' of the Parramatta DCP to reflect the amended proposal;*
4. *Delegate to the General Manager authority to make minor non-policy corrections or formatting changes to the draft DCP controls prior to it coming into effect; and*
5. *Propose to rezone the subject land from B4 Mixed Use zone to B2 Local Centre zone and RE1 Public Recreation zone as part of the comprehensive Cumberland LEP, reflecting Council's strategic approach to the local centres hierarchy and objectives of the Central City District Plan.*

An update on the planning proposal in regard to the draft Development Control Plan and draft Voluntary Planning Agreement was provided to Council on 17 April 2019.

### ***Development Control Plan***

The site-specific Development Control Plan (DCP) was updated to reflect the resolution by Council in February 2019 on the planning proposal. This included information on the revised road layout, relocation of the public park, commercial activities, podium configuration and building separation.

The revised draft DCP was placed on exhibition from 26 June 2019 to 24 July 2019. A total of four (4) submissions were received in relation to the draft DCP, including three



(3) individual submissions and one (1) submission from the proponent. A summary of the key issues raised in these submissions is contained in Attachment 4.

Key issues raised in the three (3) individual submissions include traffic matters; design of new streets within the planning proposal site; and increase in noise and disturbance, overcrowding and congestion. These issues have been addressed substantially in the planning proposal and will be further considered during the development application stage. Therefore, no changes are proposed to the exhibited DCP.

The proponent raised a number of specific matters on the DCP in their submission, as outlined in Attachment 4. This has resulted in some changes to the draft DCP, as shown in Attachment 3. These changes are of a minor nature and do not require re-exhibition of the DCP.

It is recommended that Council adopt the revised site specific DCP for the site as an amendment to the Parramatta Development Control Plan 2011.

### ***Voluntary Planning Agreement***

Following Council's resolution on the planning proposal in February 2019, a Voluntary Planning Agreement (VPA) was negotiated between Council and the applicant, consistent with the *Cumberland Planning Agreements Policy*.

Council obtained an independent valuation of the potential increase in residual land value arising from the planning proposal. In accordance with Council policy, the total value of development contributions to be made under a planning agreement will be equivalent to 50% of the increase in residual land value arising from the development proposal. This has been achieved with the Voluntary Planning Agreement for the planning proposal (Attachment 8).

The offer included in the VPA includes the following:

- Dedication of a minimum 2,000m<sup>2</sup> of embellished and landscaped public park to Council at no cost;
- Dedication of affordable housing units on the site to Council at no cost, at a rate of one affordable housing unit per 33 dwellings. This equates to eight affordable housing units, comprising 4 x 2 bedroom units and 4 x 1 bedroom units, with no more than two affordable housing units provided on any one level of the building; and
- Identification of monetary contributions and offsets to the current Development Contribution Plan applicable to the site.

Notification of the draft VPA was undertaken from 26 June to 24 July 2019. No submissions were made on the draft VPA. Following notification, minor changes were made to Clauses 31, 32, 33 and 38 as part of the legal drafting process and further negotiation with the proponent. These changes do not represent a material change and do not require re-notification of the draft VPA, consistent with Part 6.2 of Council's Planning Agreement Guidelines (Attachment 5).

It is recommended that Council endorse and, through the Mayor and General Manager, execute the VPA, as provided in Attachment 1. A letter from the applicant indicating their intent to enter into and execute the VPA is provided in Attachment 2.

### ***Planning Proposal***

The planning proposal for the site was endorsed by Council in February 2019. The planning proposal is provided in Attachment 7 for reference purposes. Endorsement of the VPA by Council is required for the planning proposal to be finalised by the Department of Planning, Industry and Environment.

### **Next Steps**

Subject to Council endorsement, the following activities will be undertaken to complete the planning proposal process:

- The Voluntary Planning Agreement will be executed by Council and the applicant, and then registered on title;
- The planning proposal will be finalised and gazetted by the Department of Planning, Industry and Environment; and
- The Development Control Plan will come into effect on the date of notification (gazetted) of the Local Environmental Plan amendment for the planning proposal.

### **COMMUNITY ENGAGEMENT**

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The draft revised DCP and draft VPA were publicly exhibited in accordance with relevant statutory requirements and Council policy for a period of 28 days, from 26 June to 24 July 2019.

The following consultation methods were used to notify the community of the exhibition and to encourage them to have their say:

- Public notice in Parramatta Advertiser (26 June 2019);
- Public notice and documents available on Council's website throughout the exhibition period;
- Letters sent directly to all landowners within 400m of the subject site; and
- Hard copy display of the planning proposal and supporting material at Auburn and Merrylands Services Centres, and all Council libraries.

### **POLICY IMPLICATIONS**

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The proposal involves amendments to the *Parramatta Local Environmental Plan 2011* and *Parramatta Development Control Plan 2011*. With endorsement of the draft revised DCP by Council, finalisation will be undertaken including newspaper notifications and the DCP will come into effect on the date the LEP amendment is made. The proposed is consistent with Council's Planning Agreements Policy.

## RISK IMPLICATIONS

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There are minimal risk implications for Council associated with this report. The VPA stipulates that it must be executed by both parties and registered on title prior to the LEP amendment being finalised. The DCP will come into effect once the LEP has been made (gazetted). All statutory and Council policy requirements have been met.

## FINANCIAL IMPLICATIONS

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

## CONCLUSION








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As required by Council's resolution for the planning proposal in February 2019, a draft VPA and a revised draft site specific DCP have been prepared and publicly exhibited for a period of 28 days. This report outlines the feedback received during exhibition.

It is recommended that the draft VPA be executed and the revised draft DCP be adopted. Support of these recommendations by Council will enable the planning proposal to be finalised and gazetted by the Department of Planning, Industry and Environment

## ATTACHMENTS

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1. Draft Voluntary Planning Agreement with post-exhibition changes (August 2019) [↓](#) 
2. Letter from proponent - intent to enter into VPA [↓](#) 
3. Draft Development Control Plan with post-exhibition changes (August 2019) [↓](#) 
4. Submissions analysis - community submissions and proponent submissions on draft DCP [↓](#) 
5. Considerations under Part 6.2 of Cumberland Planning Agreement Guidelines - John Cootes VPA [↓](#) 
6. Council Report and Minutes (20 February 2019) [↓](#) 
7. Planning Proposal (March 2019) [↓](#) 
8. Assessment of Public Benefit Value and Valuation Advice (confidential)



DOCUMENTS  
ASSOCIATED WITH  
REPORT C08/19-175

Attachment 1

Draft Voluntary Planning  
Agreement with post-exhibition  
changes (August 2019)





## **Deed**

### **Woodville Road, Merrylands East (John Cootes Site) Planning Agreement**

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

**Cumberland Council**

**Green Dior Holdings Pty Ltd**

Date:

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**Green Dior Holdings Pty Ltd**

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**Woodville Road, Merrylands East (John Cootes Site)**  
**Planning Agreement**

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Planning Agreement**

**Summary Sheet**

**Council:**

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

**Developer:**

**Name:** Green Dior Holdings Pty Ltd  
**Address:** PO Box 7226, Baulkham Hills NSW 2153  
**Telephone:** 98994000  
**Email:** tony.merhi@merccapital.com.au  
**Representative:** Mr Tony Merhi

**Land:**

See definition of *Land* in clause 1.1 and Schedule 1.

**Development:**

See definition of *Development* in clause 1.1.

**Development Contributions:**

See clause 9 and Schedule 3.

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

See clause 8.

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**Security:**

See Part 6.

**Registration:**

See clause 34.

**Restriction on dealings:**

See clause 35.

**Dispute Resolution:**

See Part 5.



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**Cumberland Council**  
**Green Dior Holdings Pty Ltd**

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## **Woodville Road, Merrylands East (John Cootes Site) Planning Agreement**

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

### **Parties**

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

and

**Green Dior Holdings Pty Ltd** ACN 627 356 003 of PO Box 7226, Baulkham  
Hills NSW 2153 (**Developer**)

### **Background**

- A The Developer owns the Developer Land.
- B As at the date of this Deed, other landowners own the Additional Land.
- C The Developer Land and the Additional Land are the subject of the Planning Proposal.
- D This Deed applies to the Developer Land and, on and from the date the Additional Land is owned by the Developer, the Additional Land.
- E The Developer intends to develop the Developer Land and the Additional Land if it owns it, if the LEP Amendment takes effect.
- F The Developer has offered to make Development Contributions in accordance with this Deed in connection with the Planning Proposal to provide the shared value uplift of the Developer Land and the Additional Land as a result of the making of the LEP Amendment.

### **Operative provisions**

#### **Part 1 - Preliminary**

##### **1 Interpretation**

- 1.1 In this Deed the following definitions apply:

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

**Additional Land** means the land specified in the table in Part 2 of Schedule 1, and any land created by a consolidation or subdivision of that land.

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**Affordable Housing** has the same meaning as in the Act.

**Affordable Housing Unit** or **AHU** means a Dwelling that is Affordable Housing in a location and to a specification approved by the Council.

**Affordable Housing Unit Requirements** means the specifications in Schedule 6.

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

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

**Bank Guarantee** means an irrevocable and unconditional undertaking without any expiry or end date in favour of the Council to pay an amount or amounts of money to the Council on demand issued by:

- (a) one of the following trading banks:
  - (i) Australia and New Zealand Banking Group Limited,
  - (ii) Commonwealth Bank of Australia,
  - (iii) Macquarie Bank Limited,
  - (iv) National Australia Bank Limited,
  - (iv) St George Bank Limited,
  - (v) Westpac Banking Corporation, or
- (b) any other financial institution approved by the Council in its absolute discretion.

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

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

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

**CPI** means the *Consumer Price Index (All Groups – Sydney)* published by the Australian Bureau of Statistics.

**Date of Practical Completion** in relation to a Work means the date when Practical Completion for that Work is achieved under clause 21.3.

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

**Defect** means anything that adversely affects, or is likely to adversely affect, the appearance, integrity, functionality, compliance, safety, use or enjoyment of a Work or any part of a Work.

**Defects Liability Period** means, in relation to a Work identified in Column 1 of the table in Schedule 3, the period specified in Column 5 of the table in Schedule 3 corresponding to that Work commencing on the Date of Practical Completion.

**Developer Land** means the land specified in the table in Part 1 of Schedule 1, and any land created by a consolidation or subdivision of that land.

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

- (a) the Developer Land, and
- (b) the Additional Land on and from the date this Deed applies to the Additional Land.

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

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

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

**Development Contributions Item** means an item described in Column 1 of the table in Schedule 3.

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

**Dwelling** has the same meaning as in the LEP.

**Embellishment Work** means Development Contributions Items 5 and 6.

**Embellishment Work Contribution Value** means the amount of \$1,000,000.00 indexed in accordance with the CPI from the date of this Deed to the Date of Practical Completion of the Embellishment Work.

**Equipment** means any equipment, apparatus, vehicle or other equipment or thing to be used by or on behalf of the Developer in connection with the performance of its obligations under this Deed.

**Final Inspection** means the final inspection of a Work carried out by the Responsible Council Officer authorised to carry out such an inspection.

**Final Lot** means a lot created in the Development for separate residential occupation and disposition or a lot of a kind or created for a purpose that is otherwise agreed by the Parties, not being a lot created by a subdivision of the Land:

- (a) that is to be dedicated or otherwise transferred to the Council, or
- (b) on which is situated a dwelling-house that was in existence on the date of this Deed.

**Green Setbacks Land** means Development Contribution Item 3.

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

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

**General Inspection** in relation to a Work means an inspection of the Work that is not a Final Inspection, carried out by the Responsible Council Officer authorised to carry out such an inspection.

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**Handed-Over** in relation to a Work means when the land on which the Work is located is dedicated to the Council.

**Just Terms Act** means the *Land Acquisition (Just Terms Compensation) Act 1991*.

**Land** means:

- (a) the Developer Land, and
- (b) the Additional Land, but only on and from the date the Developer becomes registered proprietor of the Additional Land.

**LEP** means the *Parramatta Local Environmental Plan 2011*.

**LEP Amendment** means an amendment to the LEP as a result of the Planning Proposal.

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

**Maintain**, in relation to a Work, means keep in a good state of repair and working order, and includes replacing any vegetation, rubbish removal and repair of any damage (included but not limited to vandalism or as a result of anti-social behaviour) to the Work.

**Maintenance and Establishment Period** in relation to an Embellishment Work means the period commencing immediately after the Date of Practical Completion for the Embellishment Work and ending on date the Embellishment Work is Handed-Over.

**Management Statement** means a building management statement within the meaning of Division 3B of Part 23 of the *Conveyancing Act 1919* or a strata management statement within the meaning of the *Strata Schemes Development Act 2015* or any other instrument which, without limitation, provides for the allocation of costs of shared expenses relating to the building containing an AHU.

**New Streets** means Development Contribution Item 2.

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

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

**Planning Proposal** means the document proposing amendments to the LEP submitted by the then owner of the Land to the Council in May 2015 and the subject of the gateway determination dated 24 June 2016 (as altered from time to time) under s3.34 of the Act and as varied pursuant to s3.35 of the Act, proposing

- (a) rezoning of the Land to B4 Mixed Use,
- (b) amendments to the maximum building height of the Land to 31m,
- (c) amendments to the maximum floor space ratio of the Land to 2:1.

**Practically Complete** means when a Work is complete except for Defects and omissions that are of a minor nature that do not prevent the work from being reasonably capable of being used for its intended purpose.

**Practical Completion** occurs when the Responsible Council Officer gives the Developer the notice under clause 21.3.

**Public Park** means Development Contribution Item 1.

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**Quantity Surveyor** means an independent quantity surveyor selected by the Council who is suitably qualified and experienced to provide the reports and opinions required to be provided by the surveyor under this Deed.

**Rectification Notice** means a notice in writing:

- (a) identifying the nature and extent of a Defect,
- (b) specifying the works or actions that are required to Rectify the Defect,
- (c) specifying the date by which or the period within which the Defect is to be rectified.

**Rectify** means rectify, remedy or correct.

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

**Responsible Council Officer** in relation to a matter under this Deed referred to in Column 1 of the table in Schedule 4, means the person or persons in the role(s) identified in Column 2 of the table in Schedule 4.

**Security** means a Bank Guarantee.

**Site Audit Statement** has the same meaning as in the *Contaminated Land Management Act 1997*.

**Stage** means a stage of the Development approved by a Development Consent or otherwise approved in writing by the Council for the purposes of this Deed.

**Work** means the physical result of any building, asset, engineering, embellishment, rectification, maintenance or construction work in, on, over or under land.

**Works-as-Executed Plans** or **WAE** means plans certified by an appropriately qualified person showing details of Work as actually constructed and identifies any departures, additions and deletions from the design and specifications approved under this Deed.

- 1.2 In the interpretation of this Deed, the following provisions apply unless the context otherwise requires:
- 1.2.1 Headings are inserted for convenience only and do not affect the interpretation of this Deed.
  - 1.2.2 A reference in this Deed to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney.
  - 1.2.3 If the day on which any act, matter or thing is to be done under this Deed is not a business day, the act, matter or thing must be done on the next business day.
  - 1.2.4 A reference in this Deed to dollars or \$ means Australian dollars and all amounts payable under this Deed are payable in Australian dollars.
  - 1.2.5 A reference in this Deed to a \$ value relating to a Development Contribution is a reference to the value exclusive of GST.
  - 1.2.6 A reference in this Deed to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.



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**Green Dior Holdings Pty Ltd**

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

## **2 Status of this Deed**

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

## **3 Commencement**

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

## **4 Application of this Deed**

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



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**Green Dior Holdings Pty Ltd**

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- 4.2 This Deed applies to the Additional Land on and from the date the Developer becomes registered proprietor of the Additional Land.

## **5 Warranties**

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

## **6 Further agreements**

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

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

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

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

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

## **9 Provision of Development Contributions**

- 9.1 The Developer is to make Development Contributions to the Council in accordance with Schedule 3 and the provisions of this Deed relating to the making of Development Contributions and otherwise to the satisfaction of the Council.
- 9.2 Any value specified in this Deed in relation to a Development Contribution does not serve to define the extent of the Developer's obligation to make the Development Contribution.
- 9.3 The Council is to apply each Development Contribution made by the Developer under this Deed towards the public purpose for which it is made and otherwise in accordance with this Deed.

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- 9.4 Despite clause 9.3, the Council may apply a Development Contribution made under this Deed towards a public purpose other than the public purpose specified in this Deed if the Council reasonably considers that the public interest would be better served by applying the Development Contribution towards that other purpose rather than the purpose so specified.

## **Part 2 – Affordable Housing**

### **10 Selection process for Affordable Housing Units**

- 10.1 The Developer is to dedicate a minimum of 1 in 33 Dwellings (or part thereof) in the Development as AHUs.
- 10.2 The obligation in clause 10.1 applies up to and including 260 Dwellings in the Development whether or not the total number of Dwellings in the Development exceeds 260.
- 10.3 The Dwellings to be dedicated to the Council as AHUs under this Deed are to:
- 10.3.1 comprise the following mixture of 1 and 2 bedroom Dwellings:
    - (a) 50% of 1 bedroom Dwellings, and
    - (b) 50% of 2 bedroom Dwellings, and
  - 10.3.2 be located such that there is at least 1 Dwelling to be dedicated as an AHU in each level of a building, or as otherwise agreed in writing by the Responsible Council Officer,
  - 10.3.3 be located such that there are AHUs in each building proposed to be constructed in the Development, or as otherwise agreed in writing by the Responsible Council Officer,
  - 10.3.4 be located such that no more than 2 Dwellings to be dedicated as AHUs have their living rooms and private open spaces receive less than 2 hours of direct sunlight between 9am and 3pm on 21 June in any year,
  - 10.3.5 satisfy the Affordable Housing Unit Requirements and any other approved design for fit out of AHUs under clause 15.
- 10.4 At the time the Developer makes a Development Application for the carrying out of the Development, the Developer is to nominate Dwellings in the proposed Development from which the Council is to select as AHUs to be provided to the Council under this Deed.
- 10.5 For the purposes of clause 10.4, the Developer:
- 10.5.1 is to use its best endeavours to nominate Dwellings whose living rooms and private open space receive a minimum of 2 hours of direct sunlight between 9am and 3pm on 21 June,
  - 10.5.2 is to nominate 30% more Dwellings than is required to be dedicated,
  - 10.5.3 is to nominate Dwellings that satisfy the requirements in clause 10.3.
- 10.6 The Council is to select the AHU's to be dedicated under this Deed from the Dwellings nominated by the Developer under clause 10.4.

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## **11 Implied Terms and Warranties for AHUs**

- 11.1 The implied terms and warranties in Schedules 2 and 3 of the *Conveyancing (Sale of Land) Regulation 2017* apply to this Deed as relevant in respect of any transfer of land to the Council as if this Deed is a contract for the sale of land and the Developer agrees to be bound by them.
- 11.2 Without limiting clause 11.1 or any other provision of this Deed, the Developer is to do all such things as necessary to ensure that the Council has the benefit of and may enforce any builders and construction warranties applicable to an AHU.

## **12 Management Statement**

- 12.1 The Developer is not to register, or to cause or procure the registration of, any Management Statement in respect of any building containing an AHU unless:
  - 12.1.1 the Developer has first provided the Council with the draft Management Statement for the Council's approval, and
  - 12.1.2 the Management Statement that is lodged for registration is the statement as approved by the Council in writing (which approval shall not be unreasonably withheld or delayed).
- 12.2 For the purposes of clause 12.1, the Council may withhold its approval to a Management Statement if the statement does not comply with Part 2 of the Affordable Housing Unit Requirements.

## **Part 3 – Dedication of Land**

### **13 Dedication of land**

- 13.1 A Development Contribution comprising the dedication of land is made for the purposes of this Deed when:
  - 13.1.1 a deposited plan is registered in the register of plans held with the Registrar-General that dedicates land as a public road (including a temporary public road) under the *Roads Act 1993* or creates a public reserve or drainage reserve under the *Local Government Act 1993*, or
  - 13.1.2 the Responsible Council Officer is given:
    - (a) an instrument in registrable form under the *Real Property Act 1900* duly executed by the Developer as transferor that is effective to transfer the title to the land to the Council when executed by the Council as transferee and registered,
    - (b) the written consent to the registration of the transfer of any person whose consent is required to that registration, and
    - (c) a written undertaking from any person holding the certificate of title to the production of the certificate of title for the purposes of registration of the transfer.

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- 13.2 The Developer is to do all things reasonably necessary to enable registration of the instrument of transfer to occur.
- 13.3 The Developer is to ensure that land dedicated to the Council under this Deed is free of all encumbrances and affectations (whether registered or unregistered and including without limitation any charge or liability for rates, taxes and charges) except as otherwise agreed in writing by the Council.
- 13.4 If, having used all reasonable endeavours, the Developer cannot ensure that land to be dedicated to the Council under this Deed is free from all encumbrances and affectations, the Developer may request that Council, by its Responsible Council Officer, agree to accept the land subject to those encumbrances and affectations, but the Council (or its Responsible Council Officer) may withhold its agreement in its absolute discretion.
- 13.5 Despite any other provision of this Deed, if the Developer is required to dedicate land to the Council on which the Developer is also required to carry out a Work under this Deed, the Developer is to comply with clause 13.1.2 not later than 7 days after the Work is completed for the purposes of this Deed.

## **Part 4 – Carrying out of Work**

### **14 Carrying out of Work generally**

- 14.1 Without limiting any other provision of this Deed, any Work that is required to be carried out by the Developer under this Deed is to be carried out in accordance with any design or specification specified or approved by the Responsible Council Officer, any relevant Approval and any other applicable law.
- 14.2 The Developer, at its own cost, is to comply with any reasonable direction given to it by the Responsible Council Officer to prepare or modify a design or specification relating to a Work that the Developer is required to carry out under this Deed.

### **15 Design of Work**

- 15.1 The location, design, specifications, materials and finishes for Work to be carried out under this Deed is to be determined and approved in accordance with this clause.
- 15.2 Before commencing the design of the Work, the Developer is to request the Responsible Council Officer to provide the Developer with the Council's requirements for the location, design, specifications, materials and finishes for the Work.
- 15.3 The Responsible Council Officer may request the Developer to provide a written proposal concerning the location, design, specifications, materials and finishes for the Work, including preliminary concept designs, to assist Council in determining and notifying the Developer of its requirements.
- 15.4 Once the Developer receives notification from the Responsible Council Officer of the Council's requirements for the Work, the Developer is to submit details

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of the location, design, specifications, materials and finishes for the Work to the Responsible Council Officer for Approval.

- 15.5 The details submitted by the Developer in relation to Development Contribution Item 5 are to include a certification by a Quantity Surveyor that the estimated construction cost of the embellishment and landscaping of the public park is not less than the Embellishment Work Contribution Value.
- 15.6 The Responsible Council Officer may reasonably require the Developer to make any change to the location, design, specifications, materials and finishes for a Work that it reasonably considers necessary or desirable as a precondition to approving the design of the Work.
- 15.7 The Developer is to make any change to the location, design, specifications, materials, and finishes of the Work as is reasonably required by the Responsible Council Officer.
- 15.8 The Developer is not to make any application for any Approval for the Work and is not to commence construction of the Work unless the Responsible Council Officer has first notified the Developer of its Approval of the location, design, specifications, materials and finishes of the Work.

## **16 Variation to Work**

- 16.1 The design or specification of any Work that is required to be carried out by the Developer under this Deed may be varied by agreement in writing between the Parties, acting reasonably, without the necessity for an amendment to this Deed.
- 16.2 Without limiting clause 16.1, the Developer may make a written request to the Responsible Council Officer to approve a variation to the design or specification of a Work in order to enable it to comply with the requirements of any Authority imposed in connection with any Approval relating to the carrying out of the Work.
- 16.3 The Responsible Council Officer is not to unreasonably delay or withhold its approval to a request made by the Developer under clause 16.2.
- 16.4 The Responsible Council Officer, acting reasonably, may from time to time give a written direction to the Developer requiring it to vary the design or specification of a Work before the Work is carried out in a specified manner and submit the variation to the Responsible Council Officer for approval.
- 16.5 The Developer is to comply promptly with a direction referred to in clause 16.4 at its own cost.

## **17 Access to land by Developer**

- 17.1 The Council is to permit the Developer, upon receiving reasonable prior notice sent to the Responsible Council Officer from the Developer, to enter any other Council owned or controlled land approved in writing by the Responsible Council Officer in order to enable the Developer to properly perform its obligations under this Deed.
- 17.2 Nothing in this Deed creates or gives the Developer any estate or interest in any part of the land referred to in clause 17.1.



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## **18 Access to land by Council**

- 18.1 The Council, by its Responsible Council Officer, may enter any land on which Work is being carried out by the Developer under this Deed in order to carry out a General Inspection, or examine or test the Work, or to remedy any breach by the Developer of its obligations under this Deed relating to the Work at any time.
- 18.2 The Responsible Council Officer is to give the Developer prior reasonable notice before it enters land under clause 18.1.

## **19 Protection of people, property & utilities**

- 19.1 The Developer is to ensure to the fullest extent reasonably practicable in relation to the performance of its obligations under this Deed that:
- 19.1.1 all necessary measures are taken to protect people and property,
- 19.1.2 unnecessary interference with the passage of people and vehicles is avoided, and
- 19.1.3 nuisances and unreasonable noise and disturbances are prevented.
- 19.2 Without limiting clause 19.2, the Developer is not to obstruct, interfere with, impair or damage any public road, public footpath, public cycleway or other public thoroughfare, or any pipe, conduit, drain, watercourse or other public utility or service on any land except as authorised in writing by the Council or any relevant Authority.

## **20 Repair of damage**

- 20.1 The Developer is to Maintain any Work required to be carried out by the Developer under this Deed until the Work is Handed-Over for the purposes of this Deed or such later time as agreed between the Parties.
- 20.2 Without limiting any other provision of this Deed, at any time before a Work is Handed-Over for the purposes of this Deed, the Responsible Council Officer may give the Developer a written direction to rectify or repair any specified part of the Work to the reasonable satisfaction of the Council.
- 20.3 The Developer is to promptly comply with a direction referred to in clause 20.2 and carry out its obligation under clause 20.1 at its own cost and to the satisfaction of the Responsible Council Officer.

## **21 Practical Completion of Work**

- 21.1 The Developer is to give the Responsible Council Officer written notice of the date on which, in its opinion the Work is Practically Complete under this Deed.
- 21.2 The Responsible Council Officer is to carry out a General Inspection of the Work the subject of the notice referred to in clause 21.1 within 14 days of the date specified in the notice.
- 21.3 Work required to be carried out by the Developer under this Deed achieves Practical Completion for the purposes of this Deed when the Responsible



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Council Officer, acting reasonably, gives a written notice to the Developer to that effect.

- 21.4 Before the Responsible Council Officer gives the Developer a notice referred to in clause 21.3, it may give the Developer a written direction to complete, rectify or repair any specified part of the Work to the reasonable satisfaction of the Responsible Council Officer.
- 21.5 The Developer, at its own cost, is to promptly comply with a direction referred to in clause 21.4.

## **22 Completion and Hand-Over of AHU**

- 22.1 The Responsible Council Officer is to give the Developer written notice of the date on which a Final Inspection of an AHU will be carried out.
- 22.2 The construction and fit-out of an AHU is complete for the purposes of this Deed when the Responsible Council Officer, after carrying out a Final Inspection of the AHU, acting reasonably, gives a written notice to the Developer to that effect.
- 22.3 The Council assumes responsibility for an AHU on and from the date the AHU is Handed-Over.

## **23 Maintenance and Establishment Period for Embellishment Work**

- 23.1 During the Maintenance and Establishment Period, the Developer is to Maintain the Embellishment Work including any landscaping comprising the Embellishment Work.

## **24 Completion and Hand-Over of Embellishment Work**

- 24.1 The Developer is to give the Responsible Council Officer written notice of its intention to make an application for an Occupation Certificate for a Dwelling which, when added to all other Occupation Certificates that have been issued, authorises the occupation or use of 100% of Dwellings in the Development.
- 24.2 The Responsible Council Officer is to carry out a General Inspection of the Embellishment Work within 14 days of the date of the notice referred to in clause 24.1.
- 24.3 The Responsible Council Officer may give the Developer a written direction to complete, rectify or repair any specified part of the Embellishment Work to the reasonable satisfaction of the Responsible Council Officer.
- 24.4 The Developer, at its own cost, is to promptly comply with a direction referred to in clause 24.3.
- 24.5 Embellishment Work required to be carried out by the Developer under this Deed is complete for the purposes of this Deed when the Responsible Council Officer, after carrying out a Final Inspection of the Work and having received a Site Audit Statement for the land on which the Embellishment Work is located, acting reasonably, gives a written notice to the Developer to that effect.

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- 24.6 The Council assumes responsibility for the Embellishment Work on and from the date the Embellishment Work is Handed-Over.

## **25 Rectification of defects**

- 25.1 The Responsible Council Officer may give the Developer a Rectification Notice during the Defects Liability Period.
- 25.2 The Developer, at its own cost, is to comply with a Rectification Notice according to its terms and to the reasonable satisfaction of the Responsible Council Officer.
- 25.3 The Council is to do such things as are reasonably necessary to enable the Developer to comply with a Rectification Notice that has been given to it under clause 25.1

## **26 Works-As-Executed-Plan**

- 26.1 No later than 60 days after Work is completed for the purposes of this Deed, the Developer is to submit to the Responsible Council Officer a full Works-As-Executed-plan in respect of the Work.
- 26.2 The Developer, being the copyright owner in the plan referred to in clause 26.1, gives the Council a non-exclusive licence to use the copyright in the plans for the purposes of this Deed.

## **27 Removal of Equipment**

- 27.1 When Work on any Council owned or controlled land is completed for the purposes of this Deed, the Developer, without delay, is to:
- 27.1.1 remove any Equipment from Land and make good any damage or disturbance to the land as a result of that removal, and
- 27.1.2 leave the land in a neat and tidy state, clean and free of rubbish.

## **Part 5 – Dispute Resolution**

### **28 Dispute resolution – expert determination**

- 28.1 This clause applies to a Dispute between any of the Parties to this Deed concerning a matter arising in connection with this Deed that can be determined by an appropriately qualified expert if:
- 28.1.1 the Parties to the Dispute agree that it can be so determined, or
- 28.1.2 the Chief Executive Officer of the professional body that represents persons who appear to have the relevant expertise to determine the Dispute gives a written opinion that the Dispute can be determined by a member of that body.

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- 28.2 A Dispute to which this clause applies is taken to arise if one Party gives another Party a notice in writing specifying particulars of the Dispute.
- 28.3 If a notice is given under clause 28.2, the Parties are to meet within 14 days of the notice in an attempt to resolve the Dispute.
- 28.4 If the Dispute is not resolved within a further 28 days, the Dispute is to be referred to the President of the NSW Law Society to appoint an expert for expert determination.
- 28.5 The expert determination is binding on the Parties except in the case of fraud or misfeasance by the expert.
- 28.6 Each Party is to bear its own costs arising from or in connection with the appointment of the expert and the expert determination.
- 28.7 The Parties are to share equally the costs of the President, the expert, and the expert determination.

## **29 Dispute Resolution - mediation**

- 29.1 This clause applies to any Dispute arising in connection with this Deed other than a Dispute to which clause 28 applies.
- 29.2 Such a Dispute is taken to arise if one Party gives another Party a notice in writing specifying particulars of the Dispute.
- 29.3 If a notice is given under clause 29.2, the Parties are to meet within 14 days of the notice in an attempt to resolve the Dispute.
- 29.4 If the Dispute is not resolved within a further 28 days, the Parties are to mediate the Dispute in accordance with the Mediation Rules of the Law Society of New South Wales published from time to time and are to request the President of the Law Society to select a mediator.
- 29.5 If the Dispute is not resolved by mediation within a further 28 days, or such longer period as may be necessary to allow any mediation process which has been commenced to be completed, then the Parties may exercise their legal rights in relation to the Dispute, including by the commencement of legal proceedings in a court of competent jurisdiction in New South Wales.
- 29.6 Each Party is to bear its own costs arising from or in connection with the appointment of a mediator and the mediation.
- 29.7 The Parties are to share equally the costs of the President, the mediator, and the mediation.

## **Part 6 - Enforcement**

### **30 Security for performance of obligations**

- 30.1 The Developer is to provide Security to the Council, by its Responsible Council Officer, in the amount of \$1,000,000.00 in relation to the performance of its obligations under this Deed.

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- 30.2 The Developer is to provide the Security to the Council before any Construction Certificate is issued for the Development.
- 30.3 The Council, by its Responsible Council Officer, in its absolute discretion and despite clause 17, may refuse to allow the Developer to enter, occupy or use any land owned or controlled by the Council or refuse to provide the Developer with any plant, equipment, facilities or assistance relating to the carrying out the Development if the Developer has not provided the Security to the Council in accordance with this Deed.
- 30.4 The Council, by its Responsible Council Officer, may call-up and apply the Security in accordance with clause 32 to remedy any breach of this Deed notwithstanding any other remedy it may have under this Deed, under any Act or otherwise at law or in equity.
- 30.5 The Council, by its Responsible Council Officer, is to release and return 50% of the Security within 14 days of Practical Completion of the Embellishment Work.
- 30.6 The Council, by its Responsible Council Officer, is to release and return the remainder of the Security or any unused part of it to the Developer within 14 days of the completion of all the Developer's obligations under this Deed.
- 30.7 The Developer may at any time provide the Council, by its Responsible Council Officer, with a replacement Security.
- 30.8 On receipt of a replacement Security, the Council by its Responsible Council Officer, is to release and return the Security that has been replaced to the Developer.
- 30.9 If the Council by its Responsible Council Officer, calls-up the Security or any portion of it, it may, by written notice to the Developer, require the Developer to provide a further or replacement Security to ensure that the amount of Security held by the Council equals the amount it is entitled to hold under this Deed.
- 30.10 The Developer is to ensure that the Security provided to the Council is at all times maintained to the full current indexed value.

### **31 Acquisition of land required to be dedicated**

- 31.1 If the Developer does not dedicate land required to be dedicated under this Deed at the time at which it is required to be dedicated, the Developer consents to the Council compulsorily acquiring the land for compensation in the amount of \$1 without having to follow the pre-acquisition procedure under the Just Terms Act.
- 31.2 Clause 31.1 constitutes an agreement for the purposes of s30 of the Just Terms Act.
- 31.3 If, as a result of the acquisition referred to in clause 31.1, the Council is required to pay compensation to any person other than the Developer, the Developer is to reimburse the Council that amount, upon a written request being made by the Council, by its Responsible Council Officer, or the Council can call on any Security provided under clause 30.
- 31.4 The Developer indemnifies and keeps indemnified the Council against all Claims made against the Council as a result of any acquisition by the Council of the whole or any part of the land concerned except if, and to the extent that, the Claim arises because of the Council's negligence or default.

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- 31.5 The Developer is to promptly do all things necessary, and consents to the Council, by its Responsible Council Officer, doing all things necessary, to give effect to this clause 31, including without limitation:
- 31.5.1 signing any documents or forms,
  - 31.5.2 giving land owner's consent for lodgement of any Development Application,
  - 31.5.3 producing certificates of title to the Registrar-General under the *Real Property Act 1900*, and
  - 31.5.4 paying the Council's costs arising under this clause 31.

## **32 Breach of obligations**

- 32.1 If the Council, by its Responsible Council Officer, reasonably considers that the Developer is in breach of any obligation under this Deed, it may give a written notice to the Developer:
- 32.1.1 specifying the nature and extent of the breach,
  - 32.1.2 requiring the Developer to:
    - (a) rectify the breach if it reasonably considers it is capable of rectification, or
    - (b) pay compensation to the reasonable satisfaction of the Council in lieu of rectifying the breach if it reasonably considers the breach is not capable of rectification,
  - 32.1.3 specifying the period within which the breach is to be rectified or compensation paid, being a period that is reasonable in the circumstances.
- 32.2 If the Developer fails to fully comply with a notice referred to in clause 32.1, the Council, by its Responsible Council Officer, may, without further notice to the Developer, call-up the Security provided by the Developer under this Deed and apply it to remedy the Developer's breach.
- 32.3 If the Developer fails to comply with a notice given under clause 32.1 relating to the carrying out of Work under this Deed, the Council may step-in and remedy the breach and may enter, occupy and use any land owned or controlled by the Developer and any Equipment on such land for that purpose.
- 32.4 Any costs incurred by the Council in remedying a breach in accordance with clause 32.2 or clause 32.3 may be recovered by the Council by either or a combination of the following means:
- 32.4.1 by calling-up and applying the Security provided by the Developer under this Deed, or
  - 32.4.2 as a debt due in a court of competent jurisdiction.
- 32.5 For the purpose of clause 32.4, the Council's costs of remedying a breach the subject of a notice given under clause 32.1 include, but are not limited to:
- 32.5.1 the costs of the Council's employees, agents and contractors reasonably incurred for that purpose,
  - 32.5.2 all fees and charges necessarily or reasonably incurred by the Council in remedying the breach, and



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32.5.3 all legal costs and expenses reasonably incurred by the Council, by reason of the breach.

32.6 Nothing in this clause 32 prevents the Council from exercising any rights it may have at law or in equity in relation to a breach of this Deed by the Developer, including but not limited to seeking relief in an appropriate court.

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

33.1 Without limiting any other provision of this Deed, the Parties may enforce this Deed in any court of competent jurisdiction.

33.2 For the avoidance of doubt, nothing in this Deed prevents:

33.2.1 a Party from bringing proceedings in the Land and Environment Court to enforce any aspect of this Deed or any matter to which this Deed relates, or

33.2.2 the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this Deed or any matter to which this Deed relates.

## **Part 7 – Registration & Restriction on Dealings**

### **34 Registration of this Deed**

34.1 The Parties agree to register this Deed for the purposes of s7.6(1) of the Act.

34.2 Upon the commencement of this Deed, the Developer is to deliver to the Responsible Council Officer in registrable form:

34.2.1 an instrument requesting registration of this Deed on the title to the Land duly executed by the Developer, and

34.2.2 the written irrevocable consent of each person referred to in s7.6(1) of the Act to that registration.

34.3 Upon the Developer becoming the owner of the Additional Land or any part of it, the Developer is to register this Deed on the title to that land and clause 34.2 applies to that part of the Additional Land with any necessary amendments.

34.4 The Developer is to do such other things as are reasonably necessary to enable registration of this Deed to occur.

34.5 The Parties are to do such things as are reasonably necessary to remove any notation relating to this Deed from the title to the Land:

34.5.1 in so far as the part of the Land concerned is a lot created by the registration of a strata plan or a strata plan of subdivision under the *Strata Schemes Development Act 2015*, that is not an AHU selected by the Council, common property or a lot to be dedicated to the Council under this Deed,

34.5.2 in relation to any other part of the Land, once the Developer has completed its obligations under this Deed to the reasonable

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

- 34.6 For the avoidance of doubt, nothing in this clause requires the Council to release this Deed from the title to:
- 34.6.1 any common property on the Land prior to the completion of the Developer's obligations under this Deed,
- 34.6.2 any land required to be dedicated to the Council under this Deed prior to the dedication or transfer of the Land to the Council in accordance with this Deed.

### **35 Restriction on dealings**

- 35.1 Prior to the registration of this Deed in accordance with clause 34, the Developer is not to sell or transfer the Land, or assign the Developer's rights or obligations under this Deed, or novate this Deed without obtaining the Council's consent (such consent not to be unreasonably withheld).
- 35.2 On and from the date of the registration of this Deed in accordance with clause 34 until the Developer has fully completed its obligations under this Deed, the Developer must not sell, transfer, assign or novate its right, title or interest in the Land or its rights or obligations under this Deed without first obtaining Council's consent (such consent not to be unreasonably withheld) unless the Developer procures, at no cost to Council, that the transferee, assignee or novatee executes and delivers to Council a deed in favour of Council and on terms satisfactory to the Council whereby:
- 35.2.1 the transferee, assignee or novatee becomes contractually bound with Council to perform all of the Developer's obligations under this Deed (including obligations which may have arisen before the transfer, assignment or novation takes effect) and have the benefit of all the Developer's rights under this document; and
- 35.2.2 the Developer is released from its obligations under this Deed arising after the relevant assignment.
- 35.3 The Developer acknowledges and agrees that it remains liable to fully perform its obligations under this Deed unless and until it has complied with its obligations under clause 35.2.
- 35.4 The Developer is not to lodge a caveat or other instrument which prevents the Council's registration of this Deed on title.

## **Part 8 – Indemnities & Insurance**

### **36 Risk**

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



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### **37 Release**

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

### **38 Indemnity**

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

### **39 Insurance**

- 39.1 The Developer is to take out and keep current to the satisfaction of the Council the following insurances in relation to Work required to be carried out by the Developer under this Deed up until the Work is taken to have been completed in accordance with this Deed:
- 39.1.1 contract works insurance, noting the Council as an interested party, for the full replacement value of the Works (including the cost of demolition and removal of debris, consultants' fees and authorities' fees), to cover the Developer's liability in respect of damage to or destruction of the Works,
  - 39.1.2 public liability insurance for at least \$20,000,000.00 for a single occurrence, which covers the Council, the Developer and any subcontractor of the Developer, for liability to any third party,
  - 39.1.3 workers compensation insurance as required by law, and
  - 39.1.4 any other insurance required by law.
- 39.2 If the Developer fails to comply with clause 39.1, the Council may effect and keep in force such insurances and pay such premiums as may be necessary for that purpose and the amount so paid shall be a debt due from the Developer to the Council and may be recovered by the Council as it deems appropriate including:
- 39.2.1 by calling upon the Security provided by the Developer to the Council under this Deed, or
  - 39.2.2 recovery as a debt due in a court of competent jurisdiction.
- 39.3 The Developer is not to commence to carry out any Work unless it has first provided to the Responsible Council Officer satisfactory written evidence of all of the insurances specified in clause 39.1.

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**Cumberland Council**  
**Green Dior Holdings Pty Ltd**

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## **Part 9 – Other Provisions**

### **40 Annual report by Developer**

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

### **41 Review of Deed**

- 41.1 The Parties agree to review this Deed if either party is of the opinion that any change of circumstance has occurred, or is imminent, that materially affects the operation of this Deed.
- 41.2 For the purposes of clause 41.1, the relevant changes include (but are not limited to) any change to a law that restricts or prohibits or enables the Council or any other planning authority to restrict or prohibit any aspect of the Development.
- 41.3 For the purposes of addressing any matter arising from a review of this Deed referred to in clause 41.1, the Parties are to use all reasonable endeavours to agree on and implement appropriate amendments to this Deed.
- 41.4 If this Deed becomes illegal, unenforceable or invalid as a result of any change to a law, the Parties agree to do all things necessary to ensure that an enforceable agreement of the same or similar effect to this Deed is entered into.
- 41.5 A failure by a Party to agree to take action requested by the other Party as a consequence of a review referred to in clause 41.1 (but not 41.4) is not a Dispute for the purposes of this Deed and is not a breach of this Deed.

### **42 Notices**

- 42.1 Any notice, consent, information, application or request that is to or may be given or made to a Party under this Deed is only given or made if it is in writing and sent in one of the following ways:
  - 42.1.1 delivered or posted to that Party at its address set out in the Summary Sheet, or
  - 42.1.2 emailed to that Party at its email address set out in the Summary Sheet.
- 42.2 If a Party gives the other Party 3 business days' notice of a change of its address or email, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or emailed to the latest address.
- 42.3 Any notice, consent, information, application or request is to be treated as given or made if it is:
  - 42.3.1 delivered, when it is left at the relevant address,

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42.3.2 sent by post, 2 business days after it is posted, or

42.3.3 sent by email and the sender does not receive a delivery failure message from the sender's internet service provider within a period of 24 hours of the email being sent.

42.4 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

### **43 Approvals and Consent**

43.1 Except as otherwise set out in this Deed, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Deed in that Party's absolute discretion and subject to any conditions determined by the Party.

43.2 A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

### **44 Costs**

44.1 The Developer is to pay to the Council the Council's costs of preparing, negotiating, executing and stamping this Deed, and any document related to this Deed within 7 days of a written demand by the Responsible Council Officer for such payment.

44.2 The Developer is also to pay to the Council the Council's reasonable costs of enforcing this Deed within 7 days of a written demand by the Responsible Council Officer for such payment.

### **45 Entire Deed**

45.1 This Deed contains everything to which the Parties have agreed in relation to the matters it deals with.

45.2 No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Deed was executed, except as permitted by law.

### **46 Further Acts**

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

### **47 Governing Law and Jurisdiction**

47.1 This Deed is governed by the law of New South Wales.

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- 47.2 The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them.
- 47.3 The Parties are not to object to the exercise of jurisdiction by those courts on any basis.

## **48 Joint and Individual Liability and Benefits**

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

## **49 No Fetter**

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

## **50 Illegality**

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

## **51 Severability**

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

## **52 Amendment**

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

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## **53 Waiver**

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

## **54 GST**

- 54.1 In this clause:
- Adjustment Note, Consideration, GST, GST Group, Margin Scheme, Money, Supply and Tax Invoice** have the meaning given by the GST Law.
- GST Amount** means in relation to a Taxable Supply the amount of GST payable in respect of the Taxable Supply.
- GST Law** has the meaning given by the *A New Tax System (Goods and Services Tax) Act 1999* (Cth).
- Input Tax Credit** has the meaning given by the GST Law and a reference to an Input Tax Credit entitlement of a party includes an Input Tax Credit for an acquisition made by that party but to which another member of the same GST Group is entitled under the GST Law.
- Taxable Supply** has the meaning given by the GST Law excluding (except where expressly agreed otherwise) a supply in respect of which the supplier chooses to apply the Margin Scheme in working out the amount of GST on that supply.
- 54.2 Subject to clause 54.4, if GST is payable on a Taxable Supply made under, by reference to or in connection with this Deed, the Party providing the Consideration for that Taxable Supply must also pay the GST Amount as additional Consideration.
- 54.3 Clause 54.2 does not apply to the extent that the Consideration for the Taxable Supply is expressly stated in this Deed to be GST inclusive.

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- 54.4 No additional amount shall be payable by the Council under clause 54.2 unless, and only to the extent that, the Council (acting reasonably and in accordance with the GST Law) determines that it is entitled to an Input Tax Credit for its acquisition of the Taxable Supply giving rise to the liability to pay GST.
- 54.5 If there are Supplies for Consideration which is not Consideration expressed as an amount of Money under this Deed by one Party to the other Party that are not subject to Division 82 of the *A New Tax System (Goods and Services Tax) Act 1999*, the Parties agree:
- 54.5.1 to negotiate in good faith to agree the GST inclusive market value of those Supplies prior to issuing Tax Invoices in respect of those Supplies;
- 54.5.2 that any amounts payable by the Parties in accordance with clause 54.2 (as limited by clause 54.4) to each other in respect of those Supplies will be set off against each other to the extent that they are equivalent in amount.
- 54.6 No payment of any amount pursuant to this clause 54, and no payment of the GST Amount where the Consideration for the Taxable Supply is expressly agreed to be GST inclusive, is required until the supplier has provided a Tax Invoice or Adjustment Note as the case may be to the recipient.
- 54.7 Any reference in the calculation of Consideration or of any indemnity, reimbursement or similar amount to a cost, expense or other liability incurred by a party, must exclude the amount of any Input Tax Credit entitlement of that party in relation to the relevant cost, expense or other liability.
- 54.8 This clause continues to apply after expiration or termination of this Deed.

## **55 Explanatory Note**

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



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**Schedule 1**

(Clause 1.1)

**Land**

**Part 1 – Developer Land**

Land Title	Street address	Owner
2/204284	248 Woodville Road	Green Dior Holdings Pty Ltd
4-7/128586 & 1/433824	256 Woodville Road	Green Dior Holdings Pty Ltd
2581/803841 & 1/382912	258-264 Woodville Road	Green Dior Holdings Pty Ltd
F/382911	19 Highland Street	Green Dior Holdings Pty Ltd
F/364338 & 2/385967	8 Lansdowne Street	Green Dior Holdings Pty Ltd
A/344408	14 Lansdowne Street	Green Dior Holdings Pty Ltd
81/128805	16 Lansdowne Street	Green Dior Holdings Pty Ltd
1/385967	8A Lansdowne Street	Green Dior Holdings Pty Ltd
B/379850 & C/379850	246 Woodville Road	Green Dior Holdings Pty Ltd
1/204284 & A/418199	2 Lansdowne Street	Green Dior Holdings Pty Ltd
A/409259	4 Lansdowne Street	Green Dior Holdings Pty Ltd

**Part 2 – Additional Land**

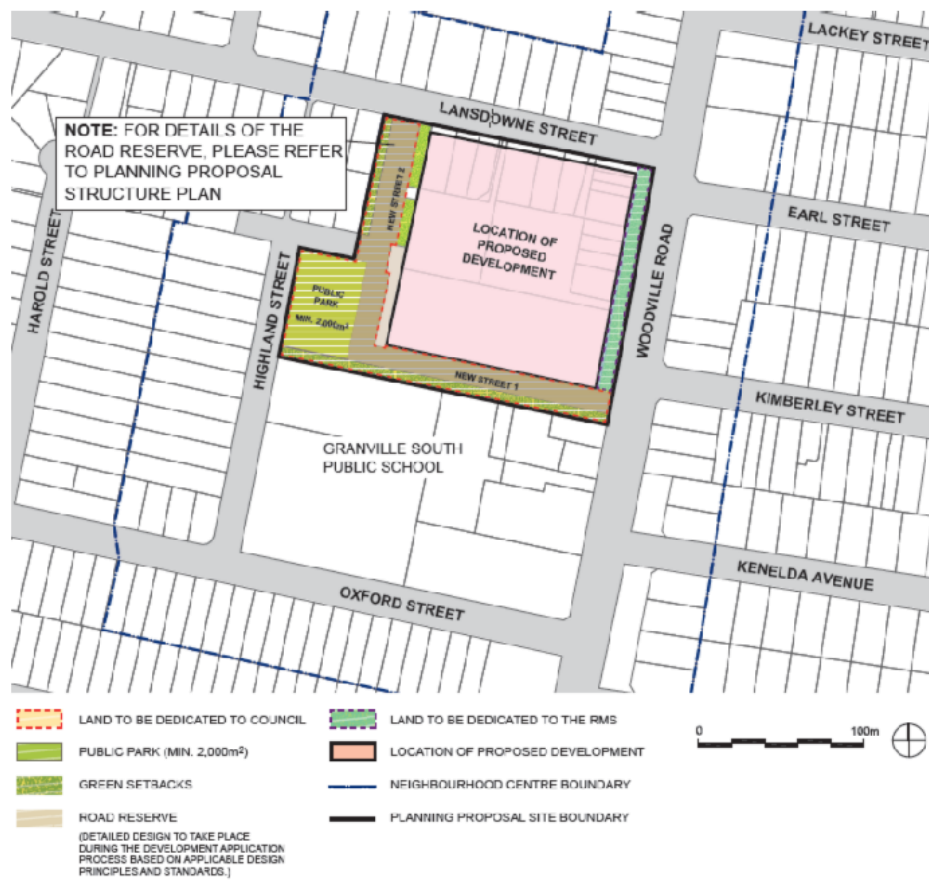
Land Title	Street address	Owner
B/409259	6 Lansdowne Street	Mathew Mark Jason Alwan
D/364338	10 Lansdowne Street	David John Viles and Susan Gail Viles
C/364338	12 Lansdowne Street	Osman Kabbara and Adam Nicholas Ring
A/379850	244 Woodville Road	Barbara Beverly Drayton

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**Schedule 2**

(Clause 1.1)

**Location Plan**



**Figure 8: Map identifying land to be dedicated and location of works to be carried out**



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### **Schedule 3**

(Clause 9)

## **Development Contributions**

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**Cumberland Council**

**Green Dior Holdings Pty Ltd**

Column 1	Column 2	Column 3	Column 4	Column 5
Item/ Contribution	Public Purpose	Manner & Extent	Timing	Defects Liability Period

**A. Dedication of Land**

1. Public park generally in accordance with the location identified as 'Public Park' on the Location Plan, having an area of not less than 2,000sqm	Open space	Land to be dedicated to the Council free of cost to the Council	To be dedicated: (a) not before the date of the Council's notice under 24.5 in relation to the Embellishment Work on the Public Park, and (b) not later than 14 business days after the date of that Council's notice under clause 24.5.	N/A
2. New streets generally in accordance with the location identified as 'Road Reserve' on the Location Plan which includes land for road carriageways, parking bays, footpaths and road verges as shown in Schedule 5, the exact dimensions and area of the land to be in accordance with any Development Consent for the construction of the new streets.	Public roads	Land to be dedicated to the Council free of cost to the Council	To be dedicated: (a) not before the date of the Council's notice under 24.5 in relation to the Embellishment Work on the Green Setbacks Land, and (b) not later than 14 business days after the date of that Council's notice under clause 24.5.	N/A

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3. Green setbacks generally in accordance with the area identified as 'Green Setbacks' on the Location Plan and Schedule 5, the exact dimensions and area of the land to be in accordance with any Development Consent for the construction of the green setbacks.	Public domain amenity	Land to be dedicated to the Council free of cost to the Council	To be dedicated: (a) not before the date of the Council's notice under 24.5 in relation to the Embellishment Work on the Green Setbacks Land, and (b) not later than 14 business days after the date of that Council's notice under clause 24.5.	N/A
4. Affordable Housing Units in accordance with clause 10 and as selected by the Council under clause 10	Affordable housing	Affordable Housing Units to be dedicated to the Council free of cost to the Council	An AHU to be dedicated: (a) not before the date of the Council's notice under 22.2 in relation to the AHU, and (b) not later than 7 days after the issuing of an Occupation Certificate for the AHU.	N/A

**B. Carrying out of Work**

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5. Embellishment and landscaping of Public Park.	Open space	Developer to carry out and complete embellishment of the Public Park in accordance with the design approved under clause 15, any other relevant provision of this Deed and otherwise to the satisfaction of the Council.	<p>If the Development is to be carried out in Stages, Work to be Practically Complete and to achieve a Date of Practical Completion in accordance with clause 21 that is:</p> <p>(a) no earlier than the issuing of the Occupation Certificate which authorises the occupation or use of the 130th Dwelling in the Development, and</p> <p>(b) no later than the issuing of the Occupation Certificate which authorises the occupation or use of the 208<sup>th</sup> Dwelling in the Development.</p> <p>If the Development is not to be carried out in Stages, Work to be Practically Complete and to achieve a Date of Practical Completion in accordance with clause 21 that is before the issuing of any Occupation Certificate for the Development.</p>	12 months or such longer period as agreed in writing between the Parties.
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6. Embellishment of Green Setbacks Land	Public domain amenity	Developer to carry out and complete embellishment in accordance with the design approved under clause 15, any other relevant provision of this Deed and otherwise to the satisfaction of the Council.	<p>If the Development is to be carried out in Stages, Work to be Practically Complete and to achieve a Date of Practical Completion in accordance with clause 21 that is:</p> <p>(a) no earlier than the issuing of the Occupation Certificate which authorises the occupation or use of the 130th Dwelling in the Development, and</p> <p>(b) no later than the issuing of the Occupation Certificate which authorises the occupation or use of the 208<sup>th</sup> Dwelling in the Development.</p> <p>If the Development is not to be carried out in Stages, Work to be Practically Complete to achieve a Date of Practical Completion in accordance with clause 21 that is before the issuing of any Occupation Certificate for the Development.</p>	12 months or such longer period as agreed in writing between the Parties
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7. Construction and fit out of AHUs selected by the Council under clause 10	Affordable housing	Developer to carry out and complete the construction and fit out of all AHUs in accordance with clause 10, the Affordable Housing Unit Requirements, the design approved under clause 15, any other relevant provision of this Deed and otherwise to the satisfaction of the Council.	Each AHU is to be completed in accordance with clause 22 before the issue of an Occupation Certificate for the AHU.	12 months or such longer period as agreed in writing between the Parties
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**Schedule 4**

(Clause 1.1)

**Responsible Council Officer**

<b>Column 1</b>	<b>Column 2</b>
<b>Matter</b>	<b>Responsible Council Officer</b>
Any matter in this Deed relating to the Public Park and embellishment of the Public Park	Council Recreation / Open Space manager (or similar) Council Manager Strategic / City Planning Manager (or similar)
Any matter in this Deed relating to the New Streets	Council Asset manager (or Similar) Council Road and Traffic manager (or Similar) Council Subdivision & drainage engineer (or similar) Council Urban Planner (or similar)
Any matter in this Deed relating to the Green Setbacks Land and embellishment of the Green Setbacks Land	Council urban planner (or similar) Council Recreation / Open Space manager
Any matter in this Deed relating to Affordable Housing	Council Manager Strategic / City planning (or similar) Council manager community development (or similar) Council Manager property (or similar)
Any matter in this Deed relating to Security, or not otherwise specified in this table.	Council Manager Strategic / City Planning Council Contributions Coordinator (or similar)

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**Schedule 5**

(Clause 1.1 and Development Contribution Item 3)

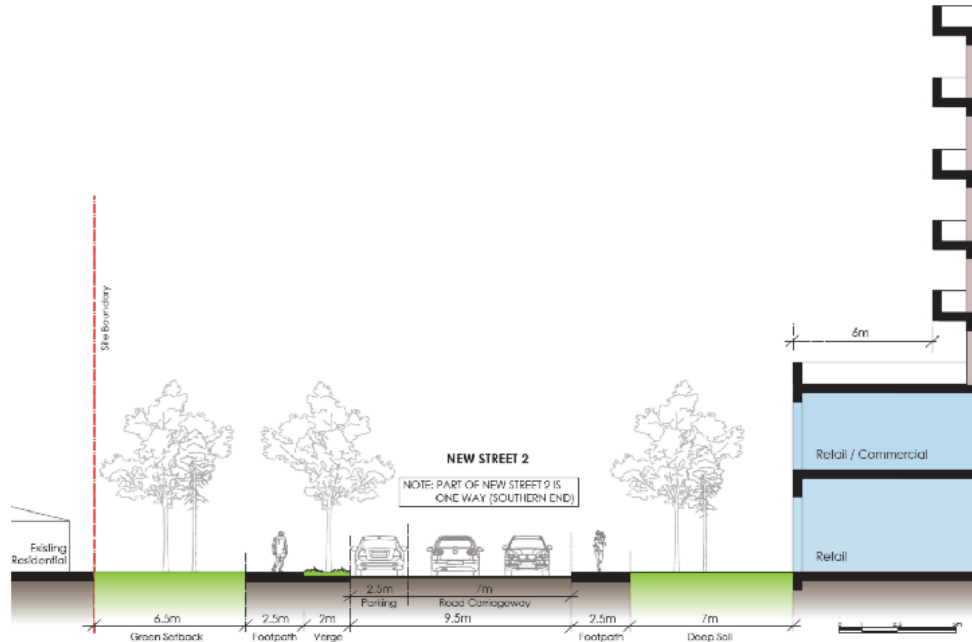
**New Streets**



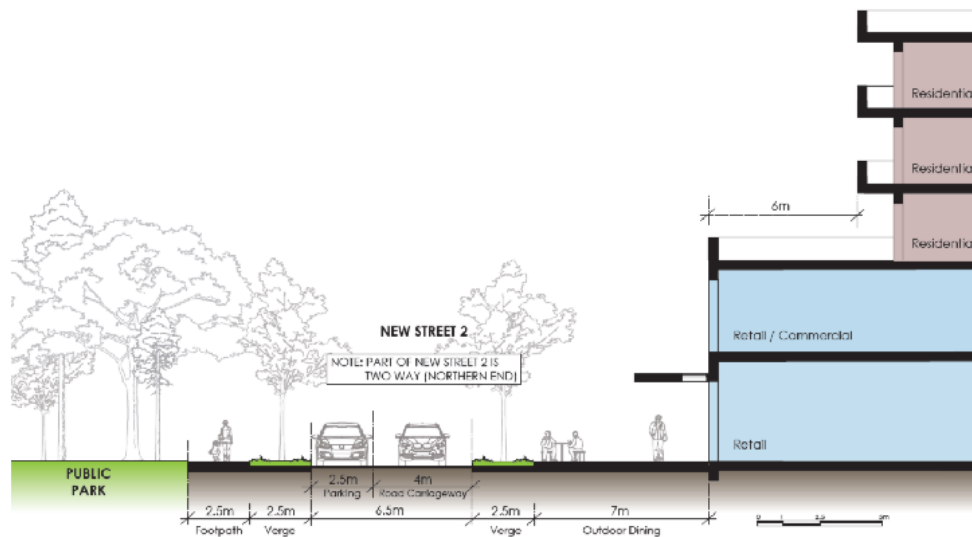
**Figure:** Sections



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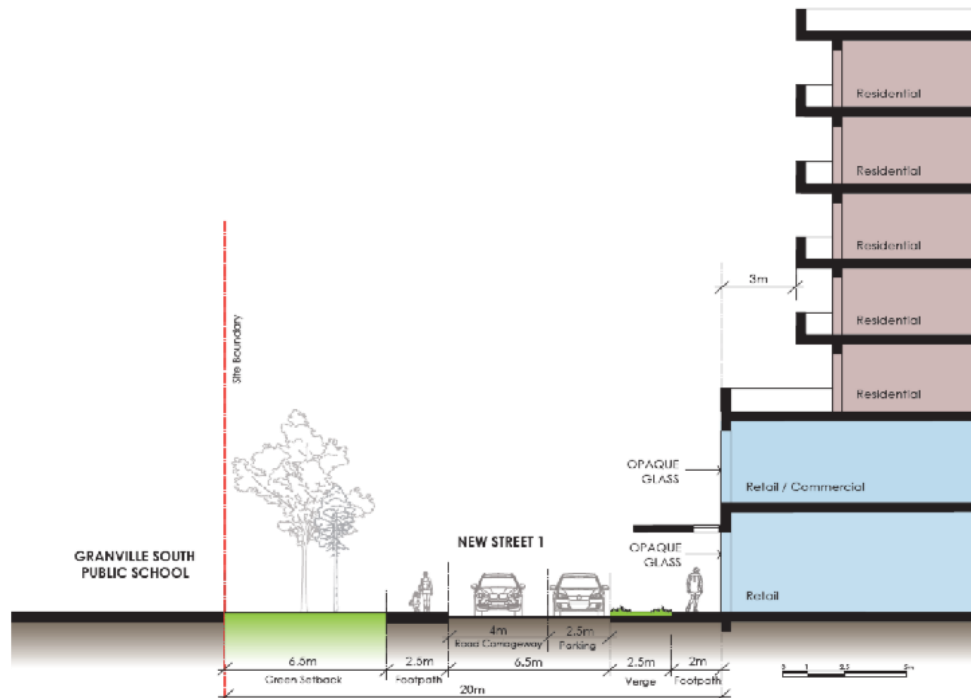


**Figure: New Street 2 Setbacks – Northern End (Section A-A)**



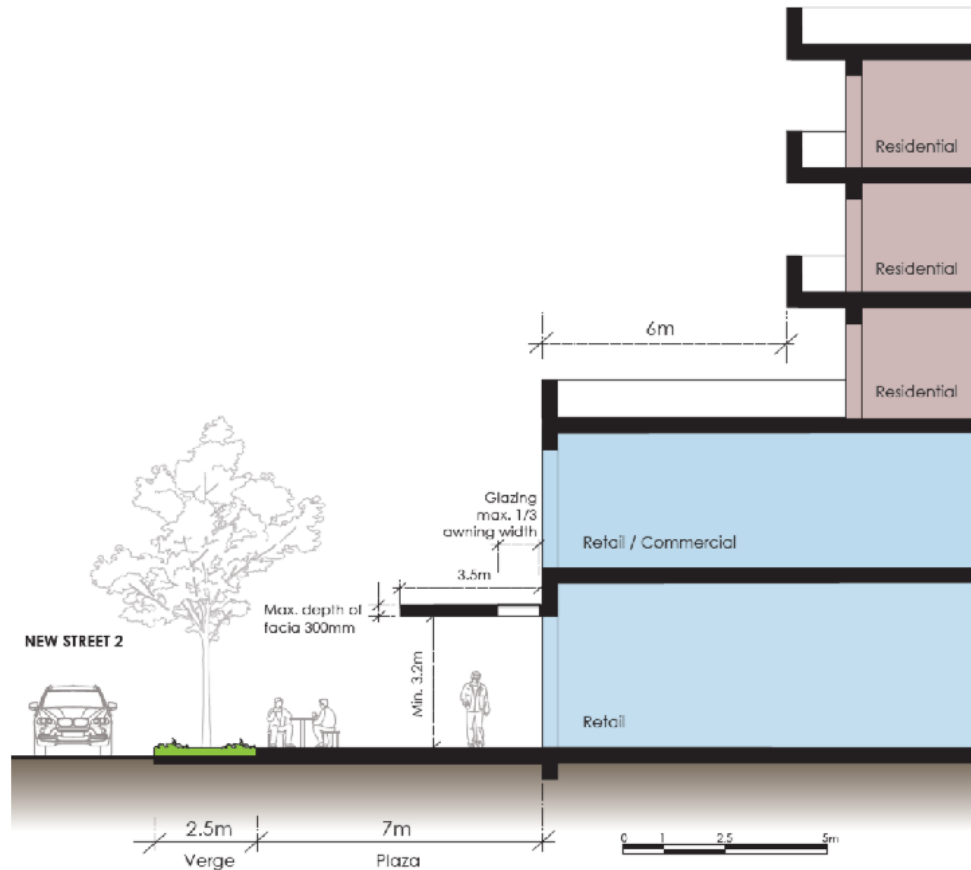
**Figure: New Street 2 Setbacks – Southern End (Section B-B)**

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**Figure:** New Street 1 Setbacks (Section C-C)

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**Figure: New Street 2 Southern End Detail**

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## **Schedule 6**

(Clause 1.1)

### **Affordable Housing Unit Requirements**

#### **Part 1 – General Requirements**

- a. Subject to Part 2 of this Schedule, all AHUs are to have the same car parking, access to apartments, access to car parking, common areas and layout as other similar Dwellings which are not AHUs within the building in which they are located.
- b. One bedroom AHUs are each to have a minimum of 70m<sup>2</sup> habitable floor space.
- c. Two bedroom AHUs are each to have a minimum of 85m<sup>2</sup> habitable floor space.

#### **Part 2 – Minimum fit-out requirements**

- a. Fully tiled bathroom including standard glass shower and exhaust fan heating and lighting in accordance with the relevant Australian Standards
- b. Timber flooring throughout living and bedrooms spaces
- c. Fully designed and tiled floor kitchen with splashback and appliances – cooktop, stove, dishwasher, exhaust fans (excluding refrigerator)
- d. All tap ware, basins, cupboards and mirrors
- e. Reverse cycle Air conditioning
- f. Bedroom fans and built ins
- g. Intercom, keys and security
- h. Minimum 2 x Communication and television points (lounge room and 1 bedroom) including paid tv access.
- i. Primed and Painted (Dulux white ) floors, ceilings, doors, skirting boards and cornices
- j. Doors on bedrooms and bathrooms
- k. Provision of wet areas for laundry, including sink and
- l. Hot water system (min 280 L capacity)
- m. Units to access to common and private open spaces including any facilities such as gyms or concierge facilities
- n. Each unit to be provided a minimum of 1 car space

#### **Part 2 – Strata and building levies**

- a. Any Management Statement relating to a building containing an AHU is to provide that any levies that are payable by the owner of the AHU in respect of an AHU is to be deferred for a period of 15 years from the date of registration of the Management Statement.



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**Cumberland Council**  
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**Execution**

**Executed as a Deed**

**Dated:**

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**Executed on behalf of the Council**

\_\_\_\_\_  
**General Manager**

\_\_\_\_\_  
**Witness**

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**Witness**

---

**Executed on behalf of the Developer** in accordance with s127(1) of the  
Corporations Act (Cth) 2001

\_\_\_\_\_  
**Name/Position**

\_\_\_\_\_  
**Name/Position**

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**Green Dior Holdings Pty Ltd**

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## **Appendix**

(Clause 55)

*Environmental Planning and Assessment Regulation 2000*

(Clause 25E)

## **Explanatory Note**

### **Draft Planning Agreement**

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

### **Parties**

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

**Green Dior Holdings Pty Ltd** ACN 627 356 003 of PO Box 7226, Baulkham Hills NSW  
2153 (Developer)

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

This draft Planning Agreement applies to the Developer Land specified in Part 1 of Schedule 1 and the Additional Land specified in Part 2 of Schedule 1 when the Developer becomes owner of the Additional Land.

### **Description of Planning Proposal and Proposed Development**

This draft Planning Agreement applies to the planning proposal submitted by the then owner of the land to the Council in May 2015 and the subject of the gateway determination dated 24 June 2016 (as altered from time to time) under s3.34 of the Act and as varied pursuant to s3.35 of the Act, proposing

- (a) rezoning of the Land to B4 Mixed Use,
- (b) amendments to the maximum building height of the Land to 31m,

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- (c) amendments to the maximum floor space ratio of the Land to 2:1.

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

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

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

The objectives of the Draft Planning Agreement are to provide Affordable Housing and embellished open space to meet the requirements of the Development.

Specifically, the Developer will make the following contributions:

- (a) dedication of Affordable Housing Units,
- (b) embellishment and dedication of not less than 2,000sqm of open space for a public park,
- (c) dedication of land for public roads and green setbacks.

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

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

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

The Draft Planning Agreement:

- relates to the taking effect of the Planning Proposal and the carrying out by the Developer of the Development,
- does not exclude the application of s 7.11 and s7.12 of the EPA Act to the Development,
- does not exclude the application of s 7.24 of the EPA Act to the Development,
- requires Affordable Housing to be provided,
- requires dedication of land and carrying out of works for a public park,
- requires dedication of land for public roads and green setbacks,
- enables the Council to lodge a caveat over the Land,
- allows for compulsory acquisition arrangements for the land dedication,
- is to be registered on the titles to the Land,
- imposes restrictions on the Developer transferring the Land or part of the Land or any affordable housing units or assigning an interest under the Agreement,



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- provides a dispute resolution method where a dispute arises under the agreement, being mediation and expert determination,
- provides that the agreement is governed by the law of New South Wales,
- provides that the A New Tax System (Goods and Services Tax) Act 1999 (Cth) applies to the agreement.

## **Assessment of the Merits of the Draft Planning Agreement**

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

The Draft Planning Agreement:

- promotes and co-ordinates the orderly and economic use and development of the land to which the Planning Agreement applies,
- captures the shared uplift value of land through the delivery of public services and public amenities,
- provides land for public purposes in connection with the Development, specifically open space, green setbacks, roads and Affordable Housing,
- provides and co-ordinates community services and facilities in connection with the Development.

The Draft Planning Agreement provides a reasonable means of achieving these planning purposes by requiring the Developer to make monetary, works-in-kind and land dedication contributions to Council, to facilitate the development of the Land in connection with the provision of necessary infrastructure, community facilities and affordable housing.

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

The Draft Planning Agreement promotes the public interest by:

- promoting the objects of the EPA Act set out in sections 1.3(a), (c) and (j); and
- delivering affordable housing, road infrastructure, open space and funding for public services and public amenities which benefit the local and wider community.

### **For Planning Authorities:**

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

N/A

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

N/A

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***Councils – How the Draft Planning Agreement Promotes the Principles for local government (formerly the Council's charter) in the Local Government Act 1993***

The Draft Planning Agreement promotes the principles for local government of the Council's charter by:

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

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

The Draft Planning Agreement conforms with the Council's capital works program in that it is not inconsistent with works required to support growth in the Council's local government area.

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

This Draft Planning Agreement contains requirements that must be complied with before Construction Certificates and Occupation Certificates are issued.

DOCUMENTS  
ASSOCIATED WITH  
REPORT C08/19-175

Attachment 2

Letter from proponent - intent to  
enter into VPA





7 August 2019

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

Dear Mr McNulty

**RE: PLANNING AGREEMENT FOR WOODVILLE ROAD MERRYLANDS EAST  
NEIGHBOURHOOD CENTRE**

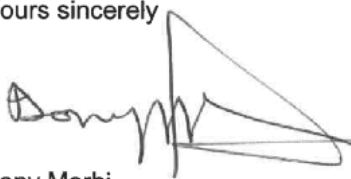
I am writing to confirm that Green Dior Holdings Pty Ltd is the owner and developer of the subject developer land and intends to enter into and execute the attached Planning Agreement with Cumberland Council within five working days of a Council meeting resolution to approve and execute the Planning Agreement.

The Planning Agreement is for the construction and dedication of the following items as described in the agreement as part of the development of the land under the rezoning approved by Council on 20 February 2019:

- public park embellished and landscaped;
- affordable housing units; and
- new streets with green setbacks.

If you have any queries or would like to discuss this matter, please do not hesitate to contact me on 0419 464 422. Thank you.

Yours sincerely

 A handwritten signature in black ink, appearing to read 'Tony Merhi', with a large, stylized flourish extending to the right.

Tony Merhi

Managing Director

tel +61 2 9899 4000 | [www.merccapital.com.au](http://www.merccapital.com.au)

A40C / 24-32 Lexington Drive, Bella Vista NSW 2153 | PO Box 7226 Baulkham Hills NSW  
2153 Australia



DOCUMENTS  
ASSOCIATED WITH  
REPORT C08/19-175

Attachment 3

Draft Development Control Plan  
with post-exhibition changes  
(August 2019)







## **Parramatta Development Control Plan 2011**

### **DRAFT**

#### **4.1.12 Merrylands East Neighbourhood Centre Precinct** (Including Former John Cootes Warehouse Site)

**August 2019**

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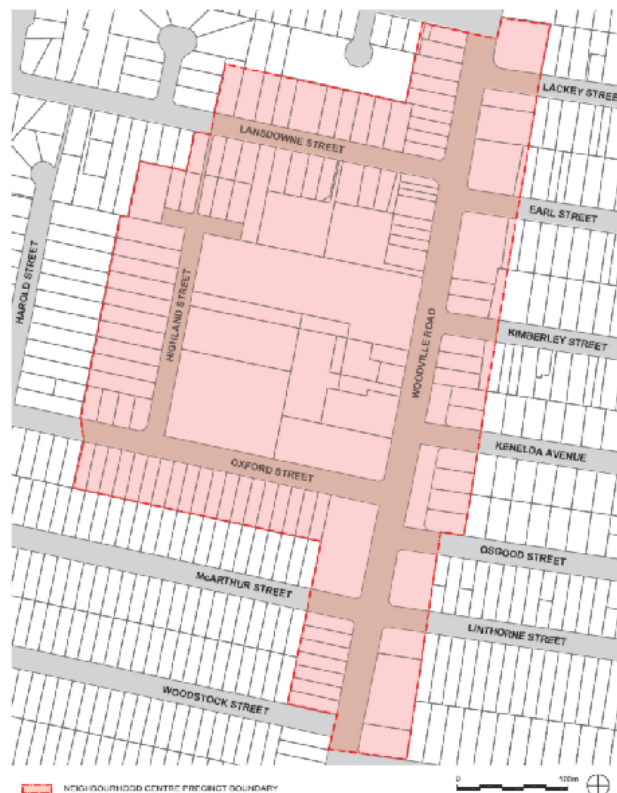
#### 4.1.12 Merrylands East Neighbourhood Centre Precinct

##### Desired Future Character

In recognition of existing development patterns and the opportunity to provide local services and facilities within walking distances of established neighbourhoods with access to Woodville Road, this part of the DCP provides guidelines and development controls for the development of a future neighbourhood centre precinct (Figure 4.1.12.1).

This section is to be read in conjunction with other relevant parts of the *Paramatta DCP 2011*, the *Paramatta LEP 2011*, *State Environmental Planning Policy (SEPP) No 65—Design Quality of Residential Apartment Development*, and the *Apartment Design Guide: Tools for improving the design of residential apartment development*.

Where there is an inconsistency between this document and provisions contained elsewhere in the *Paramatta DCP 2011*, the site specific controls contained in this section shall apply to the extent of the inconsistency. Where there is an inconsistency with SEPP 65, the SEPP prevails.



**Figure 4.1.12.1**  
Merrylands East Neighbourhood Centre Precinct Map

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

## Objectives

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



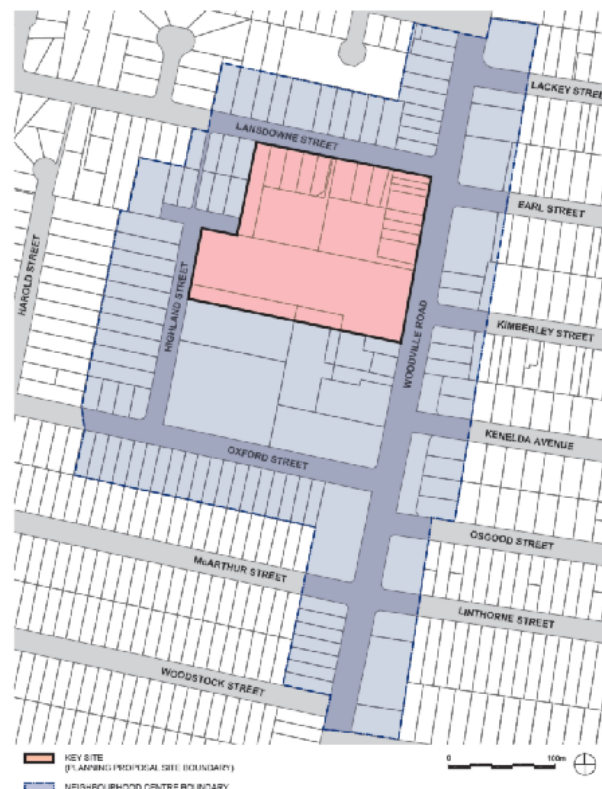
**Figure 4.1.12.2**  
Precinct Principles

- O.1 Ensure that future development does not prejudice the efficient delivery of future public transport solutions along Woodville Road.
- O.2 Ensure development is setback to allow future road and carriageway widening.
- O.3 Ensure transition in scale between the main road frontage of key development sites within the precinct, and surrounding lower scale residential development and the school.
- O.4 Ensure that the development provides for the greening of Woodville Road.
- O.5 Development within the neighbourhood precinct is to be generally in accordance with Figure 4.1.12.2 Precinct Principles.

## **Key Site**

### **Description and Location**

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



**Figure 4.1.12.3**  
Merrylands East Key Site (Woodville Road Planning Proposal)

### **Desired Character**

The development of the land is to facilitate the establishment of a mixed-use centre with retail and commercial uses anchored by a full line supermarket, and residential development that complements the surrounding residential areas at a density appropriate for the site, its location and



development context. Development of the land is to contribute to the character and sustainability of the Merrylands East Neighbourhood Centre Precinct.

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

### **Development Application Requirements**

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

#### **Controls**

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- C.1 In addition to these standard requirements, all development applications are to provide:
- A detailed traffic study

### **Structure, Form and Density**

#### **Objectives**

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

#### **Design Principles**

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- P.1 The development of the land is to establish a mixed-use centre, which will include a neighbourhood park and enhanced connectivity (pedestrian and visual) within and with adjoining development.
- P.2 The development of the land is to allow for appropriate transition to the surrounding residential land uses and the Granville South Public School, and to provide a reasonable separation between future development and the Granville South Public School.
- P.3 The development of the land is to allow for a diversity of dwelling types and apartment sizes.

#### **Controls**

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- C.1 Development is to be in accordance with Figure 4.1.12.4 Site Structure and Land Use Plan.



**Figure 4.1.12.4**  
Site Structure and Land Use Plan

- C.2 New Street 1 and New Street 2 (Refer Fig 4.1.12.4) must be constructed and delivered by the proponent as part of the development of the key site, in accordance with Council's engineering requirements, and at no cost to Council.
- C.3 New Street 1 and New Street 2 are to provide separation between future development and Granville South Public School to the south and neighbouring residential to the west.
- C.4 The ground floor and first floor of the proposed development on the key site **must are to be** non-residential.

## Lot Consolidation and Minimum Street Frontage

### Objectives

- O.1 To avoid isolating an adjoining site or sites, and facilitate the efficient delivery of infrastructure.
- O.2 To assist in the delivery of well-designed built forms and streetscapes.

### Design Principles

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

### Controls

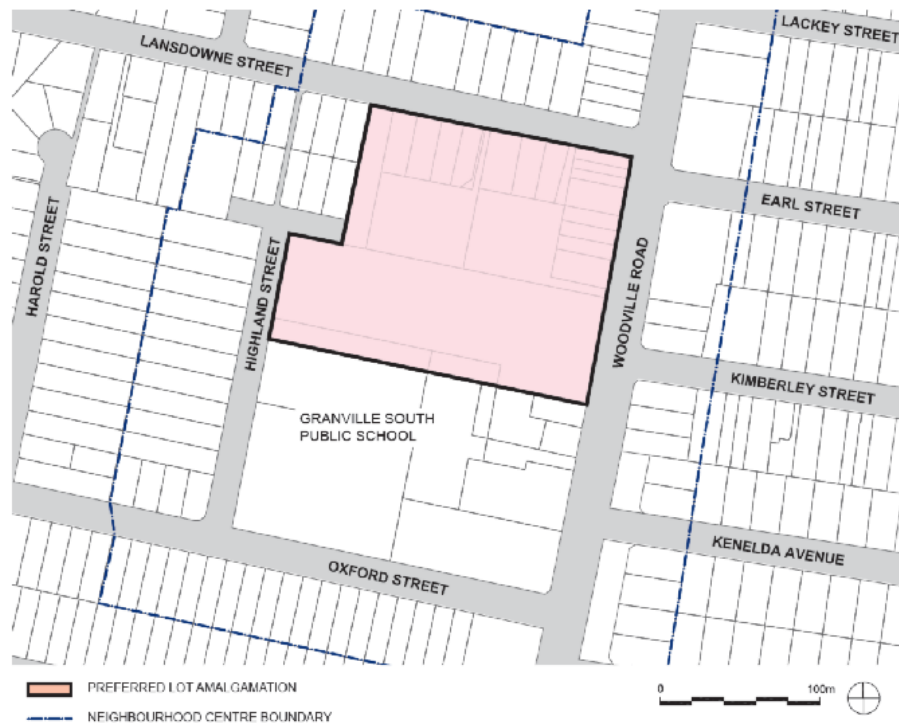
- C.1 Lots shall have a minimum street frontage as shown in Table 4.1.12.a.



**Table 4.1.12.a: Minimum Street Frontage**

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

- C.2 Development must be designed and planned in relation to the development parcels as shown in Figure 4.1.12.5 Preferred Lot Consolidation unless it can be demonstrated that lot amalgamation cannot be achieved.



**Figure 4.1.12.5**  
Preferred Lot Consolidation

Council will require appropriate documentary evidence to demonstrate that a genuine and reasonable attempt has been made to purchase an isolated site based on a fair market value. At least one recent independent valuation is to be submitted as part of that evidence and is to account for reasonable expenses likely to be incurred by the owner of the isolated site in the sale of the property.

- C.4 Where a development proposal results in an isolated site, applicants will be required to demonstrate that the development of the separate sites can be feasibly achieved, which will require:
- provision of a feasible building envelope for the isolated site, indicating height, setbacks and site coverage (building and basement);
  - identification and assessment of the likely impacts the two developments will have on each other including solar access and visual and acoustic privacy; and
  - identification, assessment and mitigation of the impacts of the separate development of the isolated site or sites on the streetscape. This will require an applicant/s to document how the development of both sites respond to the character of the streetscape and achieve a suitable built form and satisfactory level of amenity including solar access and visual and acoustic privacy.

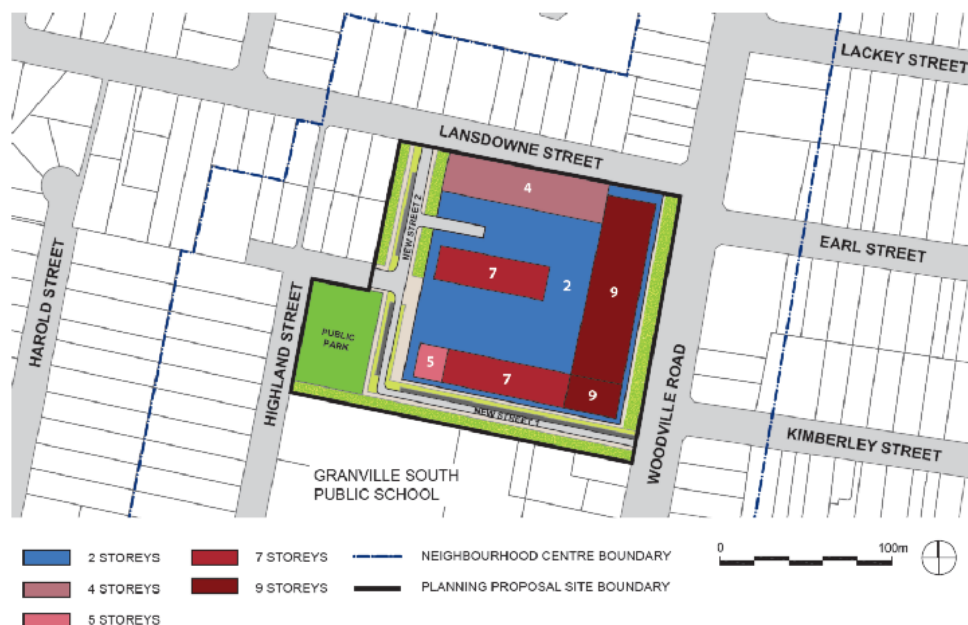
## Building Heights

### Design Principles

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

### Controls

- C.1 Development shall not impact on solar access or create overshadowing of the playground or sporting fields of the Granville South Public School.
- C.2 The height of buildings is to be **generally** in accordance with Figure 4.1.12.6 Building Heights and all requirements of the ADG, particularly building separation.



**Figure 4.1.12.6**  
Building Heights (to be read in conjunction with Figure 4.1.12.7 Setbacks)

## Setbacks

### Objectives

- O.1 To ensure that development does not limit the provision of public transport options or improvements on Woodville Road.
- O.2 To ensure that development relates to the street hierarchy, and contributes to a suitable scale and street character.
- O.3 To establish the new roads identified in the Site Structure Plan and Land Use Plan (Figure 4.1.12.4).
- O.4 To maintain the amenity of Granville South Public School by minimising overshadowing and overlooking of the school grounds.

---

**Design Principles**

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- P.1 Sufficient land is to be provided for an additional road lane on the western side of Woodville Road to facilitate public transport improvements, traffic management and to allow provision of substantial landscaping along Woodville Road (refer to Figure 4.1.12.10).
- P.2 The tower or upper storey elements of multi storey mixed used buildings are to be set back to reduce the mass and bulk of buildings.
- P.3 Provide landscaping along boundaries, with deep soil planting with mature plants particularly along the southern boundary between the development and the adjoining School, to obscure sight lines for optimum visual privacy.

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**Controls**

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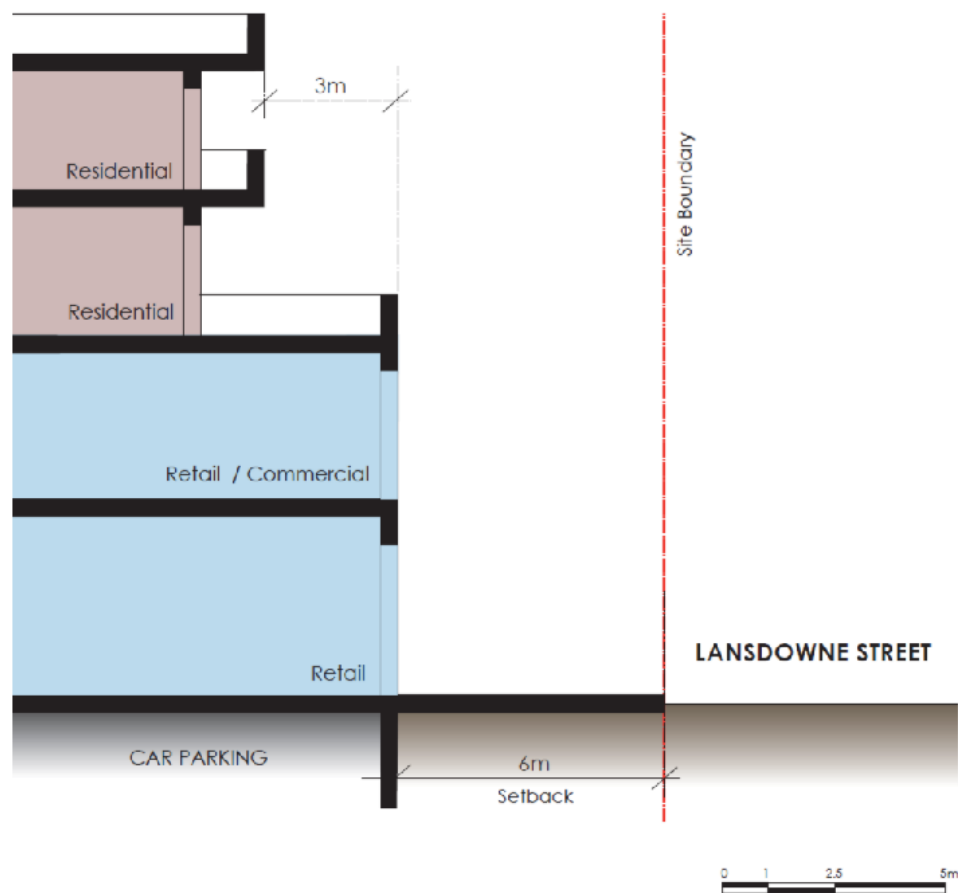
- C.1 Minimum setbacks are to be in accordance with Figure 4.1.12.7 Setbacks (Please refer to Figures 4.1.12.8 to 4.1.12.15 for details).
- C.2 Unless otherwise identified, street setbacks are to be in alignment with the predominant existing street setbacks for each street within the neighbourhood precinct.
- C.3 If the key site is not developed as a single, consolidated lot, the development must be setback a minimum of 6m from the property boundary of any undeveloped lot with frontage to Lansdowne Street and New Street 2 as per Figure 4.1.12.15.
- C.4 A deep soil setback of 10m must be provided on the eastern boundary of the site along Woodville Road as per Figure 4.1.12.4 Site Structure and Land Use Plan and Figure 4.1.12.10 Woodville Road Setbacks (Section B-B).
- C.5 A deep soil setback of 6.5m **must is to** be provided on the southern boundary of the site along New Street 1 as per Figure 4.1.12.4 Site Structure and Land Use Plan and Figure 4.1.12.11 New Street 1 Setbacks (Section C-C).
- C.6 A deep soil setback of 6.5m on the western side and a deep soil setback of 7m on the eastern side of the northern end of New Street 2 (north of the street connecting to Highland Street) **must is to** be provided as per Figure 4.1.12.4 Site Structure and Land Use Plan and Figure 4.1.12.13 New Street 2 Setbacks – Northern End (Section E-E).



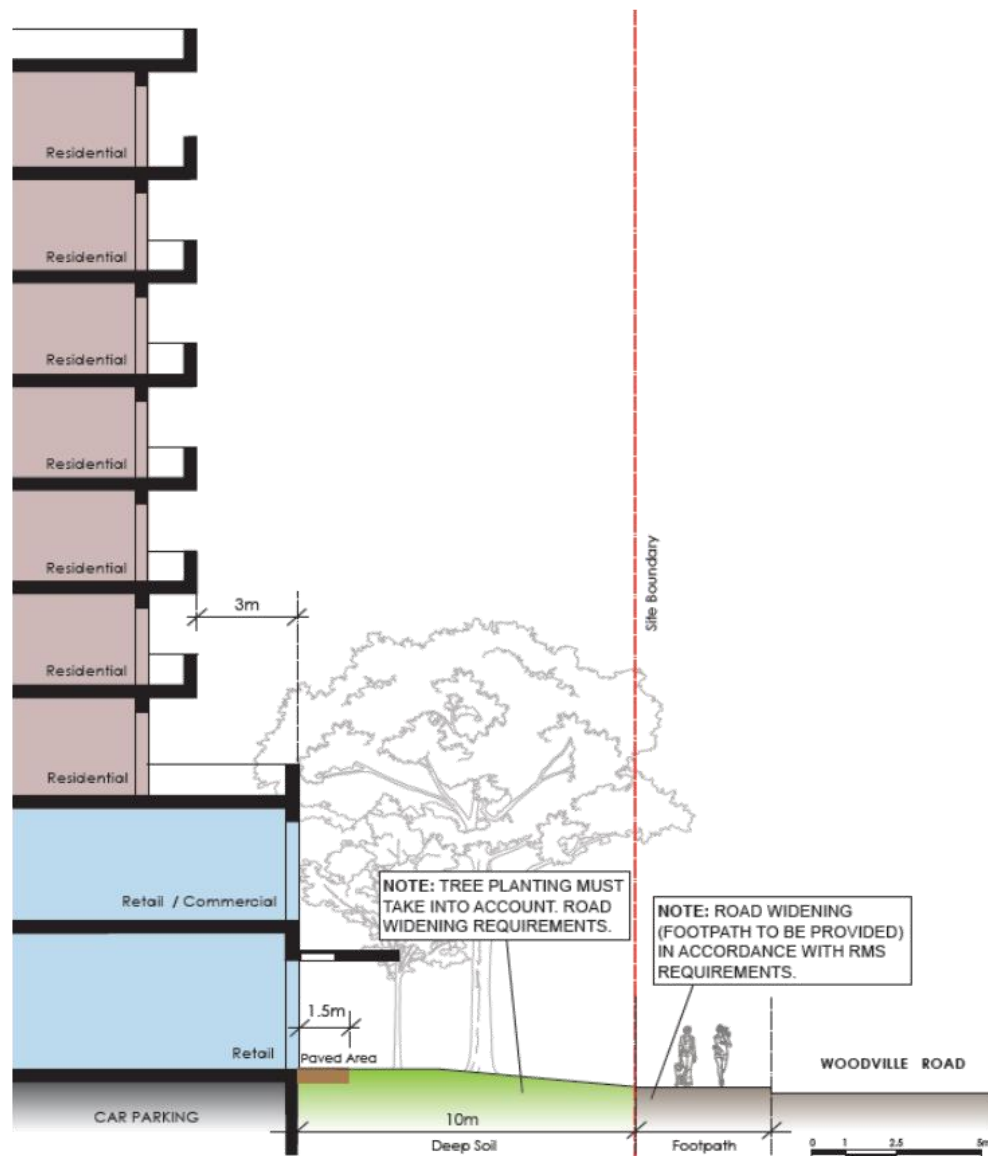
**Figure 4.1.12.7**  
Setbacks



**Figure 4.1.12.8**  
Sections

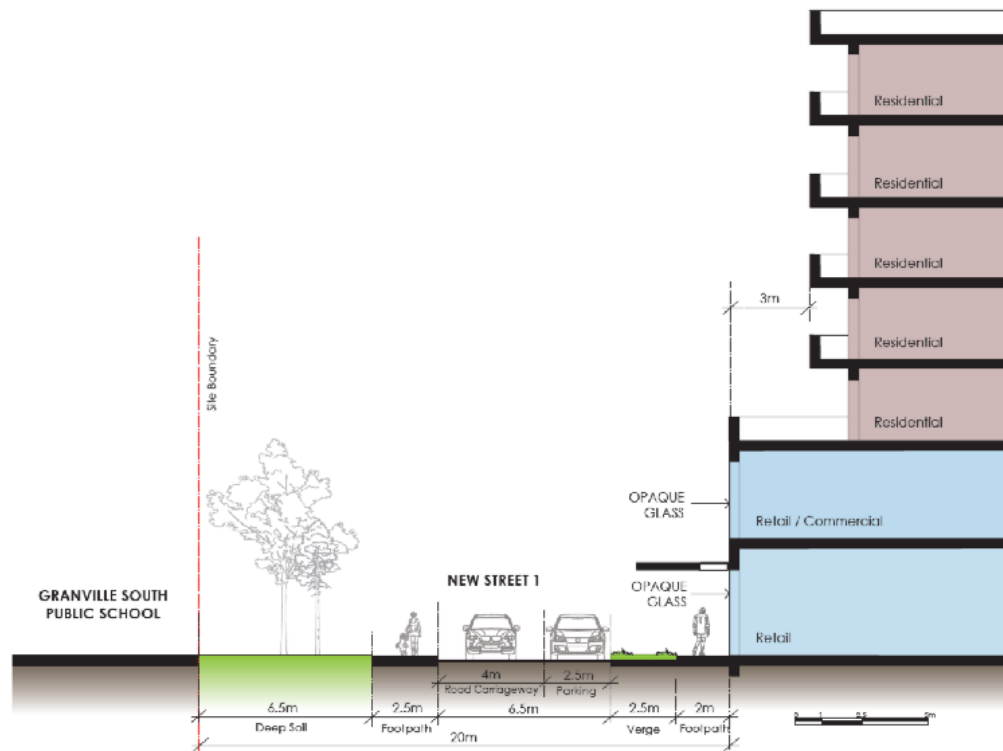


**Figure 4.1.12.9**  
Lansdowne Street Setback - Section A-A

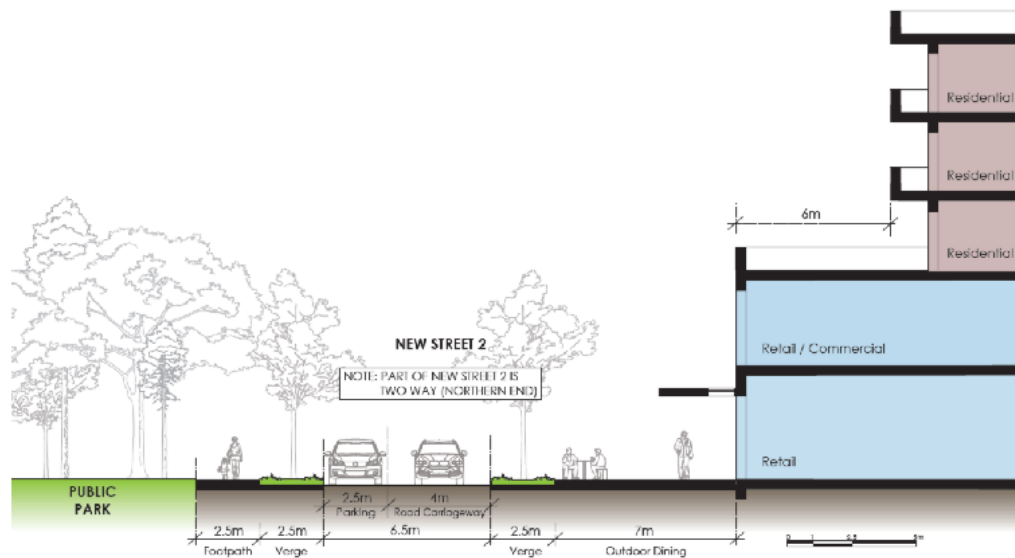


**Figure 4.1.12.10**  
Woodville Road Setbacks (Section B-B)

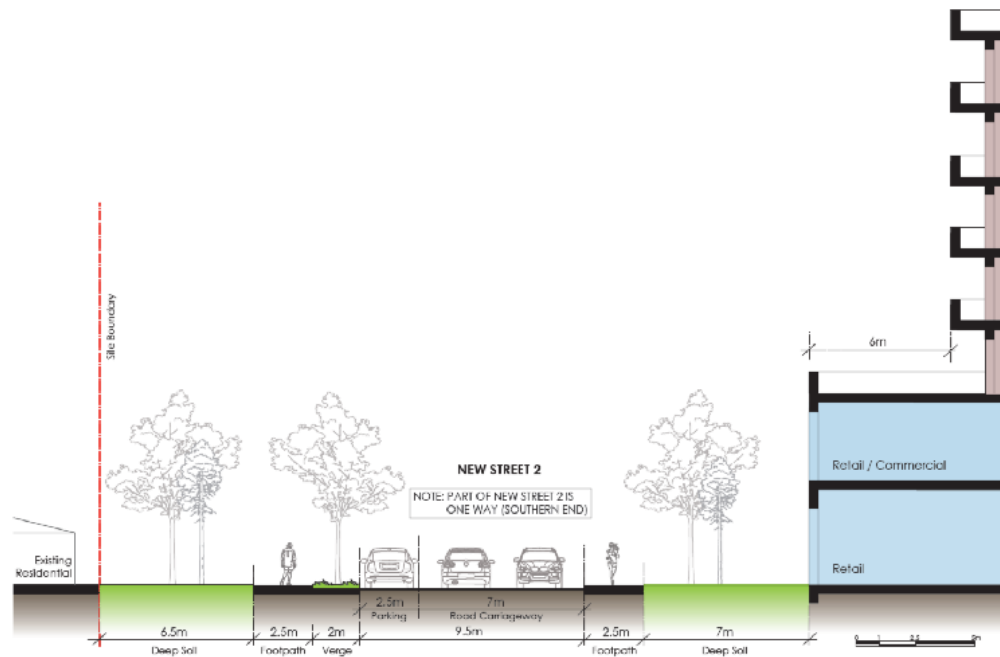




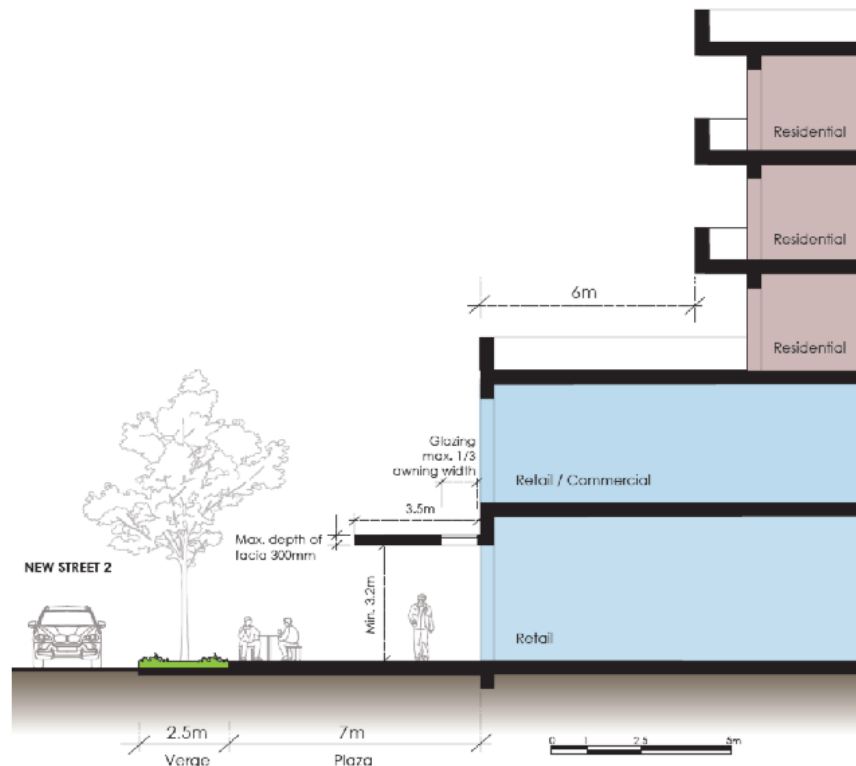
**Figure 4.1.12.11**  
New Street 1 Setbacks (Section C-C)



**Figure 4.1.12.12**  
New Street 2 Setbacks – Southern End (Section D-D)

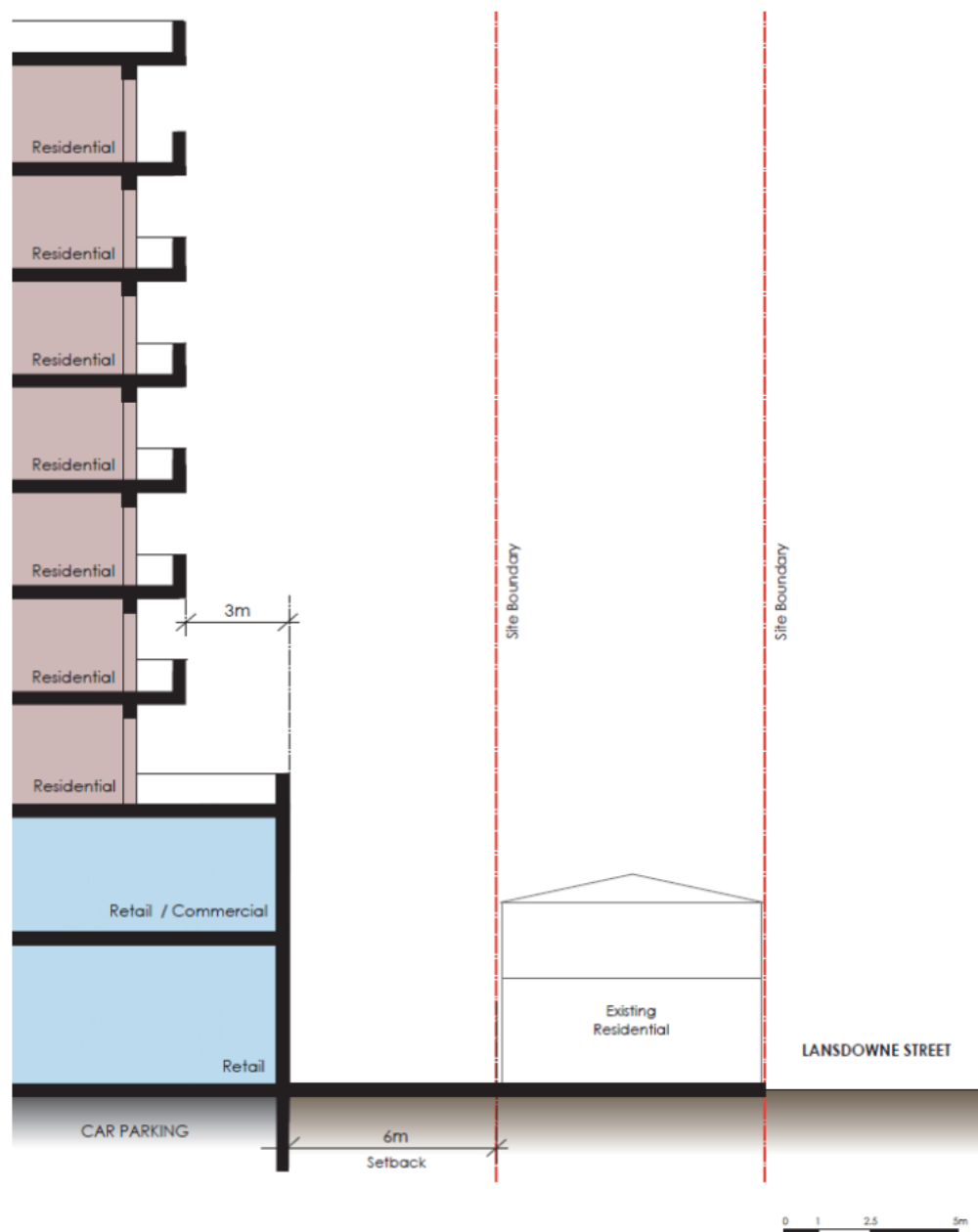


**Figure 4.1.12.13**  
New Street 2 Setbacks – Northern End (Section E-E)



**Figure 4.1.12.14**  
New Street 2 Southern End Detail





**Figure 4.1.12.15**

Setback if key site not developed as a single, consolidated lot

## New Roads

### Controls

- C.1 A 4m wide one-way road carriageway must be provided on New Street 1 with a 2.5m wide pedestrian footpath on the southern side. On the northern side, a 2.5m wide parking bay, a 2.5m wide verge, and a 2m wide pedestrian footpath should be provided as per Figure 4.1.12.11 New Street 1 Setbacks (Section C-C).

- C.2 A 4m wide one-way road carriageway must be provided on the southern end of New Street 2 (south of the street connecting to Highland Street) with a 2.5m wide pedestrian footpath, a 2.5m verge, and a 2.5m wide parking bay on the western side. On the eastern side, a 2.5m wide verge and a 7m wide outdoor dining area should be provided as per Figure 4.1.12.12 New Street 2 Setbacks – Southern End (Section D-D).
- C.3 A 7m wide two-way road carriageway must be provided on the northern end of New Street 2 (north of the street connecting to Highland Street) with a 2.5m wide pedestrian footpath, a 2m verge and a 2.5m wide parking bay on the western side. On the eastern side, a 2.5m pedestrian footpath should be provided as per Figure 4.1.12.13 New Street 2 Setbacks – Northern End (Section E-E).

## **Landscape and Open Space**

### **Objectives**

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

### **Design Principles**

---

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

### **Controls**

---

- C.1 A public domain concept plan for the development of the site or any part thereof is to be provided with the first Development Application for the land. The plan must:
- provide for deep soil planting zones (Refer Figure 4.1.12.4);
  - show how a high amenity public domain will be achieved on the site and on Woodville Road;
  - provide an indicative landscape design, including details and indicative costs for street furniture, street trees, landscaping works, materials and utilities;

- indicate how street trees and other planting arrangements are to be provided on all new streets to Council's specifications.
- C.2 Development proposing outdoor dining must comply with Council's Outdoor Dining Policy and Guidelines.
- C.3 A fully embellished neighbourhood park not less than 2,000 square metres is to be provided, to a design approved by Council and located as shown in Figure 4.1.12.4 Site Structure and Land Use Plan. A concept plan is to be provided with the lodgement of the first DA for the Site.
- C.4 A minimum of 85% of the neighbourhood park is to be deep soil zone, and the total area of the neighbourhood park is to be excluded from all deep soil calculations associated with private development.
- C.5 The neighbourhood park is to:
- provide the primary green public open space to act as the heart of the neighbourhood precinct;
  - provide for primarily soft landscaping and deep soil planting including mature plants;
  - avoid basement parking beneath the neighbourhood park;
  - provide both passive and active recreation spaces;
  - be landscaped to include native trees;
  - provide a safe play area for children which is to be visually and physically connected to the main park area;
  - include play elements integrated into the landscape design and enable informal play;
  - be dedicated to Council and Council engineers are to be consulted prior to the design of all internal roads within the precinct.
- C.6 Medium sized tree planting (a minimum 6-8 metres mature height at 7 – 10 m centre-to-centre) with an understorey of shrubs (1.5m – 3m) and ground cover must be provided along the boundary on the southern side (adjacent the school). The medium sized tree planting within a deep soil zone is to be incorporated at the southern end of the park.
- C.7 All elements are to be vandal and graffiti resistant.
- C.8 Design of the public domain is to be integrated with stormwater management.
- C.9 All internal roads not in Council's ownership must be maintained at all times. Note: Council will not accept dedication of roads with basement parking underneath.
- C.10 Wintergardens are to be provided fronting Woodville Road. The area of the wintergardens is to be excluded from the GFA for FSR calculations.

## **Building Elements, Architectural Diversity and Articulation**

### **Objectives**

- O.1 To ensure the building design contributes to street, public domain and residential amenity.
- O.2 To reduce visual bulk and scale, add visual interest and avoid "boxlike" designs.
- O.3 To achieve architectural diversity and add visual interest.
- O.4 To ensure that development enhances and contributes to the streetscape and desired future character of the neighbourhood.

## Design Principles

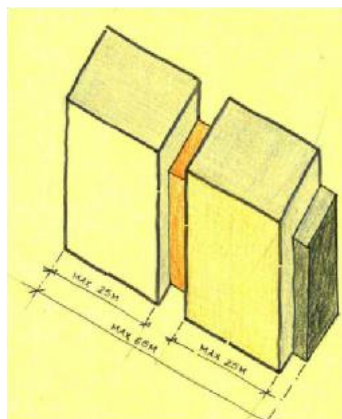
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- P.1 Buildings are to be designed to deliver high quality architecture through the use of faced articulation, materials selection and use of vertical gardens where appropriate.
- P.2 Building design is to include horizontal and vertical architectural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

## Controls

---

- C.1 To minimise perceived building bulk and monotony, the building façade should have unique architectural expressions while still maintaining cohesion.
- C.2 The maximum linear length of any residential building component is to be 65m.
- C.3 Buildings in excess of 45m long must be designed as at least two distinct 'building components' which are to:
- not exceed 25m in length with a preferred length of 20m (Refer Figure 4.1.12.16)
  - have a building separation of minimum 6m for the full height of the building
  - have their own distinctive architectural character
- C.4 Full height gaps are to be provided between buildings consistent with the building separation provisions of the Apartment Design Guide (ADG) for solar access and visual connections. Where possible, building breaks are to be aligned with streets and lanes in the surrounding area or proposed streets and lanes.



**Figure 4.1.12.16**  
Building Articulation / Maximum Building Length

- C.5 The southern façade of the proposed development adjoining the school must be designed to maintain the visual privacy of the school.

## Active Street Frontage

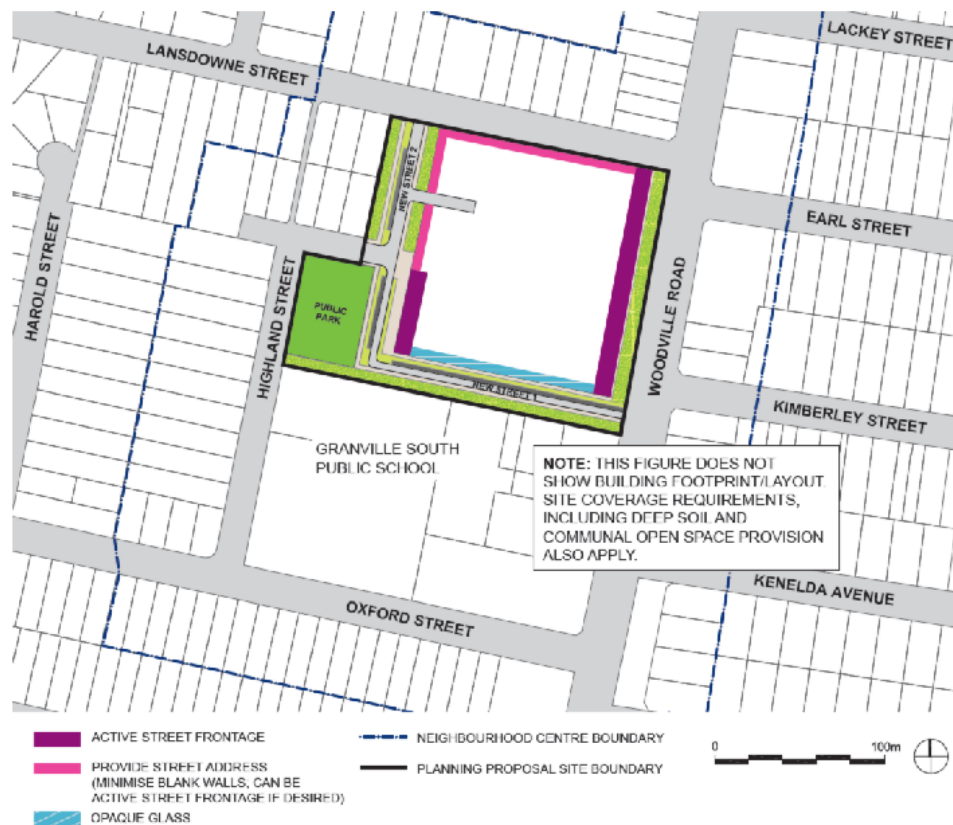
### Objectives

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- O.1 To enhance pedestrian safety, security and amenity around and within the commercial premises.
- O.2 To improve the amenity of the public domain by encouraging pedestrian activity.
- O.3 To support the economic viability of the street.

### Controls

- C.1 To provide active street frontage at ground floor level as per Figure 4.1.12.17.
- C.2 Except for the southern façade, clear glazing is to be provided, and reflective, tinted or obscured window coverings should be avoided.
- C.3 A minimum of 80% of the building facades with active street frontage and street address at ground level are to be transparent.
- C.4 Opaque glass should be provided along the southern building façade, **to prevent overlooking of the school.**



**Figure 4.1.12.17**  
Street Activation

### Awnings and Canopies

#### Objectives

- O.1 To increase pedestrian amenity by the provision of weather protection.
- O.2 To visually unify the mixed-use development.

#### Controls

- C.1 Awnings are to be provided to the full extent along Woodville Road, the southern boundary and the outdoor dining area.

C.2 All awnings should be a minimum width of 3.5m (Refer Figure 4.1.12.14).

C.3 Incorporate glazing/transparent material in the awning to allow solar access.

### Street Wall Height

#### Objectives

---

- O.1 To provide street edge that reinforces the proposed uses and is consistent with the existing character of the area.
- O.2 To ensure the building height at street level is of human scale.
- O.3 To establish a clear presence of the retail and commercial uses, and increase visibility of these uses at ground floor level.

#### Controls

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- C.1 Street wall height for the mixed-use development should be two storeys (~~minimum 8.2m and maximum 10m~~) with an upper level setback.

### Upper Level Setback

#### Objectives

---

- O.1 To minimise adverse wind impact on the pedestrian environment.
- O.2 To maximise the solar access onto the public domain.
- O.3 To ensure that the podium and buildings above create a human scale and pedestrian friendly environment.

#### Controls

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- C.1 The buildings above the podium are to be setback in accordance with Figures 4.1.12.10 to 4.1.12.14.

### Traffic Management and Parking

#### Objectives

---

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

#### Controls

---

- C.1 A detailed traffic study will be submitted with any Development Application for the site or part thereof. It will:
  - a) identify and address traffic generation issues associated with the overall development of the site.



- b) include modelling of the Lansdowne Street/Woodville Road and Oxford Street/Woodville Road intersections as a network and not as individual intersections.
  - c) include modelling of the priority control for the intersection of Lansdowne Street and the internal street, and determine whether a roundabout is required at that intersection.
- C.2 The traffic study is to comply with the Roads and Maritime Services *Traffic Modelling Guidelines* (2013).
- C.3 Ensure any site vehicle access points are located to avoid conflict with pedestrians and vehicles accessing the school.
- C.4 The loading bay entry should be located on Lansdowne Street and separated from vehicular entry into the mixed-use development.
- C.5 No driveway vehicle access from Woodville Road is permitted.
- C.6 Left-out exit from New Street 1 only permitted onto Woodville Road.
- C.7 A travel plan will be submitted with any Development Application for the site or part thereof to reduce car trips and encourage the use of sustainable transport

## Contamination

### Objectives

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

### Design Principles

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

### Controls

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

## Air Quality

### Objectives

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

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**Design Principles**

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- P.1 Reduce the formation of urban canyons to avoid motor vehicle air transmissions and other pollutants from becoming trapped and ensure dispersion. Appropriate setbacks on the upper stories of multi-level buildings can help to avoid urban canyons.
- P.2 Consider building siting and orientation to incorporate an appropriate separation between sensitive land uses and the road. The location of living areas, outdoor space and bedrooms, and other sensitive uses (such as childcare centres) must be as far as practicable from the major source of air pollution.
- P.3 Ventilation design and open-able windows should be considered in the design of development located adjacent to roadway emission sources. When the use of mechanical ventilation is proposed, the air intakes must be sited as far as practicable from the major source of air pollution.
- P.4 Use vegetative screens, barriers or earth mounds where appropriate to assist in maintaining local ambient air amenity. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway.

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**Controls**

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

**Noise and Vibration**

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**Objectives**

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

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**Design Principles**

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

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**Controls**

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- C.1 An acoustic report is to be prepared by an appropriately qualified acoustic consultant having the technical eligibility criteria required for membership of the Association of Australian Acoustical Consultants (AAAC) and/or grade membership of the Australian Acoustical Society (AAS). The report is to consider noise intrusion from the road and measures to ensure compliance with the SEPP (Infrastructure) 2007.



- C.2 The report must also consider noise emissions from the development including but not limited to proposed mechanical plant (air conditioners, automatic roller doors, ventilation plant for the underground car park), and access and egress to loading and car parking areas.
- C.3 Consideration is required for the demolition/remediation/construction noise and vibration intrusion of the proposed development on the neighbourhood school and properties.
- C.4 The acoustic report must be prepared in accordance with *the Noise Policy of Industry* (2017), NSW Government Department of Planning *Development Near Rail Corridors and Busy Roads – Interim Guidelines* (2008), and the *NSW Environment Protection Authority Interim Construction Noise Guideline* (2009).
- C.5 Construction management plans are to be prepared prior to the commencement of any construction on site.

DOCUMENTS  
ASSOCIATED WITH  
REPORT C08/19-175

Attachment 4

Submissions analysis -  
community submissions and  
proponent submissions on draft  
DCP



### SUBMISSIONS ANALYSIS – COMMUNITY SUBMISSIONS ON THE DRAFT DCP

During the exhibition period, a total of three (3) submissions were received from members of the community on the draft DCP. Below is a summary of the key issues raised in the submissions and Council's response.

SN	Key Issues	Council Response
<b>1</b>	<b>Traffic Matters</b>	
a.	Existing traffic congestion in neighbouring streets, and the need for local network enhancements such as street widening and construction of roundabouts.	As part of any future development application, the proponent will be required to submit a detailed traffic assessment on the impact of the proposed development on local and regional road networks. This will assist in identifying local network enhancement requirements.
b.	No onsite parking for the proposed development.	Onsite parking will be required for the development as per parking provisions in the <i>Parramatta Development Control Plan 2011</i> . This will be determined at the Development Application (DA) stage.
c.	Current location of site access via Lansdowne Street is problematic.	The current location of site access via Lansdowne Street has been determined in consultation with Roads and Maritime Services and Transport for NSW. Their feedback will be sought again during the DA process.
<b>2</b>	<b>Design of streets within the planning proposal site</b>	
a.	The streets proposed look like laneways.	The width of both New Streets 1 and 2 have been dictated by the flow of traffic within the Site. Specific road design requirements are included in the DCP to ensure adequate carriageway and verge dimensions.  Further consideration of the design of these two new streets will take place at the DA stage, during which Council's engineers will provide input and required specifications to ensure smooth traffic flow.
<b>3</b>	<b>Increase in noise and disturbance, overcrowding and congestion</b>	
	Noise and disturbance from traffic congestion and overcrowding on neighbouring streets.	In order to minimise impact on neighbouring properties, the draft DCP stipulates the building height transitions between the Site and the adjoining low scale residential development on Lansdowne Street and Highland Street.  As noted above, further in-depth consideration will take place at the DA stage on traffic matters.

## SUBMISSIONS ANALYSIS – PROPONENT SUBMISSION ON THE DRAFT DCP

During the exhibition period, one (1) submission was received from the proponent on the draft DCP. Below is a summary of the key issues raised in the submission and Council's response.

SN	Key Issues	Council Response
<b>1</b>	<b>Structure, Form and Density</b>	
a.	First floor to not be designated for non-residential uses as market conditions may change and make non-residential uses only on the first floor unviable.	To allow further detailed economic assessment at the development application (DA) stage to inform decision making, Council proposes the following change:  <i>C.4 The ground floor and first floor of the proposed development on the site <b>must are to</b> be non-residential.</i>
<b>2</b>	<b>Building Heights</b>	
a.	The siting of residential building envelopes in Figure 4.1.12.6 to be less prescriptive to provide flexibility during design development.	Whilst Council does not consider the heights provided in Figure 4.1.12.6 to be overly prescriptive, Council proposes the following amendment to provide increased flexibility:  <i>C.2 The height of buildings is to be <b>generally</b> in accordance with Figure 4.1.12.6 Building Heights and all requirements of the ADG, particularly building separation.</i>
<b>3</b>	<b>Setbacks</b>	
a.	The deep soil setbacks along the southern boundary of the site, and on the western and eastern sides of the northern end of New Street 2 to be reduced to provide flexibility in design development at the DA stage.	The setbacks provided in control 5 below ensures overlooking of internal and external spaces within the Granville South Public School is minimised, with the setback allowing for a sufficient landscaped buffer with mature trees and an understorey of shrubs.  Similarly, the setbacks in control 6 helps minimise the perceived scale and bulk of the proposed development, especially to the western edge of New Street 2.  Council has therefore proposed the following changes to controls 5 and 6.  <i>C5 A deep soil setback of 6.5m <b>must is to</b> be provided on the southern boundary of the site along New Street 1 as per Figure 4.1.12.4 Site Structure and Land Use Plan and Figure 4.1.12.11 New Street 1 Setbacks (Section C-C).</i>  <i>C6 A deep soil setback of 6.5m on the western side and a deep soil setback of 7m on the eastern side of the northern end of New Street 2 (north of the street connecting to</i>

		Highland Street) <i>must is to</i> be provided as per Figure 4.1.12.4 Site Structure and Land Use Plan and Figure 4.1.12.13 New Street 2 Setbacks – Northern End (Section E-E).
<b>4</b>	<b>Building Elements, Architectural Diversity and Articulation</b>	
a.	The maximum linear length of any building of 65m, as specified in the DPC, should distinguish between commercial and residential uses.	Council proposes the following:  <i>C2 The maximum linear length of any <b>residential</b> building <b>component</b> is to be 65m.</i>
<b>5</b>	<b>Active Street Frontage</b>	
a.	The requirement for opaque glass on the southern building façade should be deleted to ensure a viable commercial frontage.	The draft DCP does not identify the southern building façade to be active frontage. Thus, the DCP recommendation for provision of opaque glass is unlikely to have any impact on the viability of future commercial development.  The privacy of Granville South Public School is of paramount importance to Council and the community. Council, therefore, proposes the following:  <i>C4 Opaque glass should be provided along the southern building façade, <b>to prevent overlooking of the school.</b></i>
b.	A new control was requested to acknowledge that the preferred location of the supermarket is along the Woodville Road frontage.	The location of the proposed supermarket at the corner of Woodville Road and Lansdowne Street is noted in Figure 4.1.12.4 Site Structure and Land Use Plan. An additional control stating that the frontage along Woodville Road at ground level is the preferred location for a supermarket, is therefore, not considered necessary.
<b>6</b>	<b>Street Wall Height</b>	
a.	Dimensions provided for the street wall height in the DCP is overly prescriptive.	To ensure flexibility, Council proposes the following amendment: <i>C.1 Street wall height for the mixed-use development should be two storeys (<del>minimum 8.2m and maximum 10m</del>) with an upper level setback.</i>
<b>6</b>	<b>Traffic Management and Parking</b>	
	Flexibility required for placement of vehicular access to basement parking on site as one access point may be insufficient.	Following extensive consultation with RMS and the proponent, the vehicle access points indicated in the DCP are Council's preferred locations and are flexible enough to accommodate different options at the DA stage. Any DA lodgement requires a detailed traffic study and the recommendation of the traffic study will be taken into consideration.



DOCUMENTS  
ASSOCIATED WITH  
REPORT C08/19-175

Attachment 5

Considerations under Part 6.2 of  
Cumberland Planning Agreement  
Guidelines - John Cootes VPA





**ATTACHMENT 5 – Voluntary Planning Agreement – John Cootes Site, Merrylands East –  
Consideration under Council’s Planning Agreement Guidelines****Part 6.2 of Council’s Planning Agreements Guidelines provides as follows:**

*“Council will publicly re-notify and make available for public inspection a proposed planning agreement if, in Council’s opinion, a material change is made to the terms of the planning agreement after it has been previously publicly notified and inspected. Such a change may arise as a consequence of public submissions made in respect of the previous public notification and inspection of the planning agreement or the development proposal, or their formal consideration by Council, or for any other reason.*

*This would be the case where proposed changes would materially affect:*

- *How any of the matters specified in section 93F(3) of the Act are dealt with by the planning agreement;*
- *Other key terms and conditions of the planning agreement;*
- *The planning authority’s interests or the public interest under the planning agreement; or*
- *Whether a non-involved member of the community would have made a submission objecting to the change if it had been exhibited”.*

In this case, it is noted that:

- a. the changes are considered to be non-material;
- b. execution of the planning agreement would serve the public interest by delivering considerable public benefits, including affordable housing units dedicate to Council, consistent with Council’s *Planning Agreements Policy* and guidelines;
- c. there were no public submissions received in response to the public exhibition of the agreement; and
- d. it is highly unlikely that any member of the community would have objected to the amended agreement, given the amendments do not result in any change to the public benefits set out in that agreement.



**DOCUMENTS  
ASSOCIATED WITH  
REPORT C08/19-175**

**Attachment 6  
Council Report and Minutes (20  
February 2019)**



Item No: C02/19-15

**REQUEST FOR REVISED GATEWAY DETERMINATION - PLANNING PROPOSAL  
FOR 264 WOODVILLE ROAD, MERRYLANDS**

Responsible Division: Environment & Planning  
Officer: Director Environment & Planning  
File Number: SC185  
Community Strategic Plan Goal: *A resilient built environment*

**SUMMARY**

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At the Council meeting of 18 July 2018, Council resolved to amend the Planning Proposal for the site at 264 Woodville Road, Merrylands (former John Cootes Warehouse site) from a B4 mixed use zone, with a FSR of 2:1 across the entire site, to a split B2 Local Centre and R4 High Density Residential zone with an FSR of 2.4:1 at the front (B2) and an FSR of 1.5:1 (R4) at the rear of the site.

Since this resolution, the site has been sold and the new owner has requested that Council now support the original Gateway Determination for a proposed B4 Mixed Use zone, FSR of 2:1 and Height of Building control of 31 metres across the site.

This report discusses the merit of this request and recommends an alternative approach for Council's consideration: B2 Local Centre zone with a Maximum Height of Building 31 metres and an FSR of 2:1 across the site; and, RE1 Public Recreation zone for the park. This report also makes recommendations about amendments to the site specific controls in the Development Control Plan.

**RECOMMENDATION**

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**That Council:**

- 1. Request a new Gateway Determination for the site with the following controls: B2 Local Centre zone with a maximum building height of 31m and maximum FSR of 2:1 across the site; and RE1 Public Recreation zone for the park;**
- 2. Endorse an amended Planning Proposal as per recommendation 1 above, to forward to the Department of Planning and Environment for finalisation, subject to the negotiation of a planning agreement to the satisfaction of Council;**

3. **Amend the Development Control Plan (DCP) controls '4.1.12 Woodville Road Neighbourhood Centre Precinct' of the Parramatta DCP to reflect the amended proposal; and**
4. **Delegate to the General Manager authority to make minor non-policy corrections or formatting changes to the draft DCP controls prior to it coming into effect.**

## **REPORT**

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### ***Background***

The planning proposal request for the site at 264 Woodville Road, Merrylands was transferred from the former Parramatta City Council to Cumberland Council after amalgamation with a Gateway Determination from the Department of Planning and Environment with the following key controls: B4 mixed use zone, maximum building height of 31m and an FSR of 2:1 across the site.

At the Council meeting of 18 July 2018, Council resolved to amend the Planning Proposal for 264 Woodville Road, Merrylands (former John Cootes Warehouse site) to a split B2 Local Centre and R4 High Density Residential zone with an FSR of 2.4:1 at the front and an FSR of 1.5:1 at the rear of the site. The change to a split zone and reduced FSR at the rear of the site addressed the concerns of surrounding residents that were raised during the public exhibition period, whilst still achieving an FSR of 2:1 generally across the site.

Following the recent sale of the site, the new owner has requested that Council now support the Gateway Determination that proposed the B4 Mixed Use zone, FSR of 2:1 and Height of Building control of 31 metres, across the site. This request reflects the new owner's (proponent) new concept plan for the site.

### ***New Proposal***

The proponent's new proposal seeks to create a neighbourhood centre in a single floor plate two storey podium development with approximately 25,000m<sup>2</sup> of retail floorspace and 25,000m<sup>2</sup> of residential floor space in 5 towers ranging from 6-8 storeys above the podium. This would create a development with a maximum building height of 10 storeys, and approximately 500 apartments. The proponent's concept anticipates a range of retail, business, community and recreation uses at the ground and first level, including potential for a full line supermarket.

The proponent's concept also proposes to relocate the 2000m<sup>2</sup> public park to the rear of the site (Highland Street frontage) and it also proposes a revised street layout.

The public benefit offer is addressed in a subsequent section of this report.

The new indicative concept plan for the proposal is shown in Figure 1a.



Figure 1a: New Indicative Concept Plan

## ***Proposed Planning Controls***

### Zoning

The Proponent is seeking to revert to the original Gateway Determination that applied a B4 Mixed use zone across the entire site. This is not supported because the B4 Mixed Use zone is currently used for Cumberland's major centre (Merrylands) and larger town centres (Granville, Auburn and Lidcombe) and it is expected that this approach would continue under the new Cumberland LEP. The objectives of the B4 zone are not considered suitable for a lower order neighbourhood centre location.

As previously recommended to Council, the B2 Local Centre zone is considered to be the most appropriate zone for the site (Figure 1b). The B2 Local Centre zone permits various uses with consent, including commercial premises (retail, business and office premises), community facilities, child care centres, and medical centres with shop top housing (apartments) above.

The B2 Local Centre zone is both consistent with Council's strategic approach to the hierarchy of centres within Cumberland, as well as facilitating the proponent's expressed intention for the site, and would ensure that their vision for their new neighbourhood centre can be realised.



Figure 1b: Recommended zoning plan

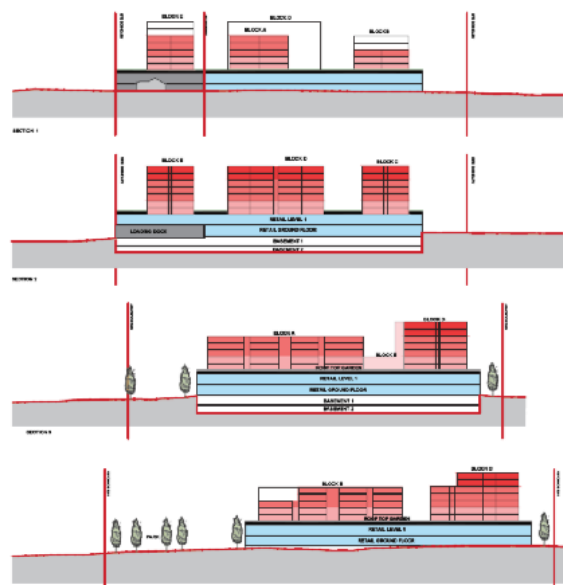


A RE1 Public Recreation zone is also proposed for the park area, which also provides a suitable setback between the site and adjoining properties.

### Building Height

The proponent is seeking to revert to the original Gateway Determination's proposed maximum building height of 31m (equivalent to approximately 9 storeys) across the entire site.

Similar to the previous planning proposal concept, the revised proposal seeks to create a transition in building heights with some graduation of building heights across the site with 4, 5, 7 and 9 storeys tower being proposed (Figure 2). Lower building heights are proposed for the western and southern edges.



**Figure 2: Proposed Building Heights**

The report considered by Council in July 2018 recommended a mix of the B2 Local Centre zone and the R4 High Density zone as well as commensurate maximum height and FSR controls to effectively achieve transition in building height and scale stepping down from the Woodville Road frontage. This approach was recommended on the basis that including these controls in the LEP would provide greater certainty, particularly for the interface with the surrounding lower density (2 storey) development and school adjoining the site. This approach responded directly to one of the requirements of the Gateway Determination.

Council could consider a blanket height control as sought by the proponent, which would mean reliance on Development Control Plan (DCP) controls to achieve transition in height and less certainty in terms of outcomes. This approach would require amendments to the DCP controls for the site to ensure an appropriate level of detail was included, as well as amending the controls to reflect the proponents indicative concept plan.

### Floor Space Ratio

The proponent is seeking to revert to the original Gateway Determination's proposed maximum FSR of 2:1 across the entire site.

With this approach, the DCP controls previously considered by Council will need to be amended ensure future development achieves an appropriate transition in terms of scale and density to the surrounding low density development and school.

The recommended approach of an FSR of 2:4:1 for the half of the site fronting Woodville Road and an FSR of 1:5:1 for the remainder of the site responded to the Gateway Determination by achieving an overall FSR of approximately 2:1 for the site, whilst specifically requiring a transition in the density of development away from the Woodville Road frontage. Council could consider the proponent's request for a blanket FSR of 2:1 for the site; however this provides less certainty in terms of outcome and relies on the DCP controls to achieve an appropriate transition.

### ***New Street Layout***

The new proposal contains a revised street layout that differs to the current DCP controls. The revised street layout does not facilitate the extension of Highland Street through to Lansdowne Street. (Figure 3)



Figure 3: DCP Street Layout



Revised New Street layout

The revised street layout seeks to facilitate the proposed single floor plate podium development and create separation to the neighbouring residential development. There is some merit to the revised street layout as it would provide greater separation between the school and the proposed neighbourhood centre development than what was previously proposed under the current DCP controls.

However, the DCP controls will need to be amended to reflect the revised street layout sought by the proponent, should Council wish to proceed with this proposal.

### ***Relocated Public Park***

The revised proposal relocates the 2,000m<sup>2</sup> public park to the rear of the site (Figure 4). This differs from the current DCP which locates the public park towards the centre of the site.



Figure 4: DCP location of Park



Revised Location of Park

As with the revised street layout, the relocation of the public park is also required to facilitate the proposed development's indicative single floor plate layout.

Whilst the location of the park in a more central location with the site (as required by the current DCP controls) was considered to be desirable design outcome, there is also merit in the proposed relocation of the park. Relocating the park to the rear of the site would provide separation between neighbouring residential to the west and the proposed neighbourhood centre development.

The DCP would need to be amended to reflect the relocation of the public park to the rear of the site.

### ***Economic Impact Assessment***

The proponent was required to undertake an economic impact assessment to determine whether the increase in the size of the proposed retail component would impact on the nearby centres of Guildford and Merrylands.

Hill PDA undertook this assessment on behalf of the proponent and determined that existing centres in the locality enjoy growth in retail trade due to growth in population and expenditure in the wider trade area. All centres should experience and increase in trading levels from 2018 to 2023 with or without the proposed centre on Woodville Road. On this basis, the trading impacts of the proposed larger retail component are considered acceptable.

The proportion of growth in expenditure captured by the new centre is well within acceptable limits enabling other centres to share some of that growth. The proposed neighbourhood centre would therefore not threaten the role, function or commercial viability of any existing centre.

### ***Social Impact Assessment***

A social impact assessment has been submitted in response to Council's resolution of July 2018.

Hill PDA undertook this assessment on behalf of the proponent and concluded that the potential benefits arising from the development include:

- Job creation, with more than 300 jobs proposed during construction, and more than 800 jobs proposed when operational;
- Increased housing diversity, including additional housing supply suited to smaller households; and
- Enhancement of the built environment including:
  - a more walkable neighbourhood with access to local services and opportunities for community interaction;
  - added retail amenity, producing a benefit to workers and residents in the area; and
  - an enhancement to the capacity of local facilities and services with a child care centre, medical centre.

This assessment is considered to adequately address Council's resolution of July 2018.

#### **Public Benefit Offer**

A revised public benefit offer (which would form the basis of a Voluntary Planning Agreement (VPA)) has been received from the Proponent, as follows:

- public park landscaped with a minimum area of 2,000m<sup>2</sup>;
- widening and landscaping of Woodville Road frontage;
- traffic signals on corner of Woodville Road and Lansdowne Street;
- a new road connection between Highland Street and Lansdowne Street;
- affordable key worker housing comprising 12 dwellings exclude from floor space ratio standard;
- monetary contribution of \$50,000 towards community facilities; and
- monetary contribution of 1.5% of the value of the value of VPA contributions towards Council's administration costs.

The Proponent seeks an offset against all the development contributions that would otherwise be payable from the subsequent DAs for this site.

The Proponent's offer to provide 12 dwellings as affordable 'key worker' rental housing for 10 years is not consistent with Council's *Planning Agreements Policy*. Council's policy requires affordable housing dwellings to be dedicated to Council. Whilst there is merit in the proponent's offer of key worker housing, these dwellings would not be dedicated to Council (as per the policy requirement) and would not guarantee supply of affordable/key worker housing beyond 10 years. In addition, the proponent would receive income whilst renting these dwellings, and would also derive income from the sale of these dwellings at the end of the 10 year period.

The proponent is also seeking that these dwellings be excluded from the FSR calculation, thereby receiving an FSR bonus for supplying these dwellings. Council's



*Planning Agreement Policy* seeks outright dedication of the affordable housing dwellings, and Council officers would need to progress negotiations in accordance with this policy, unless otherwise directed by Council.

The formal negotiation phase of the planning agreement would commence if a decision is made by Council to proceed with the Planning Proposal. During this negotiation, Council officers would seek more specific details of the benefits proposed and their timing in relation to the project. Clarification would also be sought on offerings that are a direct requirement of the development of the site or wider public benefit that would be reasonable to offset against monetary contribution payable.

A further report to Council on the outcomes of these negotiations would be provided.

### **COMMUNITY ENGAGEMENT**

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Post Gateway Exhibition was undertaken on the previous Planning Proposal and DCP controls from 17 January 2018 to 28 February 2018.

It is not known whether the Department of Planning and Environment (DP&E) will require re-exhibition of the Planning Proposal. As the B2 Local Centre Zone does not introduce any additional land uses that may impact on neighbouring properties, and as the Height of Building Control and FSR control have previously been on public exhibition, it is possible that re-exhibition may not be required.

An amended DCP would need to be exhibited for a period of 28 days. A notice would also be placed in local newspapers to advise of the date of exhibition. If further community engagement on the planning proposal is required, this would be undertaken in conjunction with the amended DCP.

A separate exhibition process will be undertaken for the VPA once a draft agreement has been negotiated.

### **POLICY IMPLICATIONS**

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Part 4.1.12 Woodville Road Neighbourhood Centre Precinct of the Parramatta DCP would need to be amended to reflect the revised indicative concept if Council proceeds with this proposal.

Should Council resolve to proceed, a draft planning agreement would be negotiated, considered by Council, and then publicly notified in accordance with the *Environmental Planning & Assessment Act 1979*. The Planning Proposal would then be forwarded to the DP&E to make the LEP amendment and publish it on the NSW Legislation website.

### **RISK IMPLICATIONS**

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There are minimal risk implications for Council associated with this report. It is noted that regardless of whether DP&E requires re-exhibition of the planning proposal, the biggest influence on the timing and progress of this proposal would be the negotiation of the Voluntary Planning Agreement (VPA) that delivers acceptable public benefits for Council.

## FINANCIAL IMPLICATIONS

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

## CONCLUSION





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The proponent's request to revert to the B4 zone in the Gateway Determination is not supported, as the objectives of this zone and the use of this zone for a lower order neighbourhood centre are not considered appropriate. Application of the B2 local centre zone is recommended, as this reflects the role of this potential centre and facilitates the proponent's proposed concept. A RE1 Public Recreation zone is also recommended for the park site and this would provide an appropriate setback between the proposal and existing properties.

The DCP will need to be amended to facilitate the amended proposal. As the proponent is seeking a blanket building height and FSR control across the site, amending the DCP controls would provide Council and neighbouring residents and the community with greater detail and certainty on how transition and separation between neighbouring land uses would be maintained and that future development of the site would be consistent with the indicative concept that has been submitted to Council.

## ATTACHMENTS

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1. Gateway Determination – 24 June 2016 [↓](#) 
2. Planning Statement – Knight Frank Town Planning [↓](#) 
3. Architectural Concept Drawings [↓](#) 
4. Draft Letter of Offer [↓](#) 





# DOCUMENTS ASSOCIATED WITH REPORT C02/19-15

## Attachment 1 Gateway Determination – 24 June 2016



Planning &  
Environment

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

Our ref: 16/01723

Dear Mr Ryan

**Planning Proposal for 246-264 Woodville Road, 2-4, 8-8A and 14-16 Lansdowne Street, and 19 Highland Street, Merrylands (PP\_2016\_PARRA\_001\_00)**

I am writing regarding the request made by the former Parramatta City Council for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") in respect of the planning proposal to amend Parramatta Local Environmental Plan 2011 to rezone land at Woodville Road, Lansdowne Street and Highland Street, Merrylands.

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

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

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

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

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

Department of Planning & Environment  
23-33 Bridge Street, Sydney NSW | GPO Box 39 Sydney NSW 2000 | T 02 9228 6333 | [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

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

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

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made 8 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Commission may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

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

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

Yours sincerely

 8 August 2016  
**Stephen Murray**  
Executive Director, Regions  
Planning Services

Encl: Gateway Determination





## Planning & Environment

### Gateway Determination

*Planning Proposal (Department Ref: PP\_2016\_PARRA\_001\_00) to amend Parramatta Local Environmental Plan 2011 to rezone land at 246-264 Woodville Road, 2-4, 8-8A and 14-16 Lansdowne Street and 19 Highland Street, Merrylands to B4 Mixed Use, increase the maximum height of buildings to 31m, increase the maximum floor space ratio to 2.25:1 and enable wintergardens within residential development fronting Woodville Road that exclude the wintergarden floor area from the FSR calculation.*

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

1. Prior to exhibition, Council is to amend the planning proposal to:
  - (a) include a full list of Lot and DP numbers;
  - (b) correct the table numbering on page 8 from Table 3 to Table 1;
  - (c) correct the Explanation of Provisions and Table 3 at page 16 to indicate that a site specific provision for the FSR calculation applies to wintergardens;
  - (d) remove comments on page 16 regarding s117 Direction 7.1 Implementation of a Plan for Growing Sydney;
  - (e) the Explanation of Provisions, proposed maps and any other relevant references within the document describing the proposal are to be amended to indicate a proposed maximum FSR of 2.0:1;
  - (f) include land at 244 Woodville Road and land at 6, 10 and 12 Lansdowne Street, Merrylands in the land to which the plan applies. These sites are to be zoned to B4 Mixed Use, with a maximum height of buildings of 31m and a maximum FSR of 2.0:1; and
  - (g) outline the proposed method to achieve an appropriate transition in height from the subject site to the land located to the west currently zoned R2 Low Density Residential fronting Lansdowne Street and Highland Street.
2. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* (the Act) as follows:
  - (a) the planning proposal must be publicly available for a minimum of 28 days; and
  - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals identified in

PP\_2016\_PARRA\_001\_00 (16/E1/23)

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

3. Consultation is required with the following public authorities under section 56(2)(d) of the Act:
- o Department of Education and Communities;
  - o Transport for NSW — Roads and Maritime Services;
  - o Transport for NSW — State Transit Authority of NSW, and
  - o City of Parramatta Council.

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

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for instance in response to a submission or if reclassifying land).
5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway Determination.

Dated *24th* day of *June* 2016.



Marcus Ray  
Deputy Secretary  
Planning Services

Delegate of the Greater Sydney Commission

PP\_2016\_FARRA\_001\_00 (16/01/23)

# DOCUMENTS ASSOCIATED WITH REPORT C02/19-15

## Attachment 2 Planning Statement – Knight Frank Town Planning





20 December 2018

Cumberland Council  
16 Memorial Ave  
Merrylands NSW 2160

**Planning Statement – Woodville Road, Merrylands East Neighbourhood Centre**

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**1. Introduction & Background**

Knight Frank Town Planning has been engaged by Merc Capital to prepare this Planning Statement to support a revised concept plan for our client's property known as the Merrylands East Neighbourhood Centre. The Centre is bounded by Woodville Road, Lansdowne Street and Highland Street at Merrylands (the subject site).

A Planning Proposal (PP) for the subject site was subject to a Department of Planning and Environment (DPE) Gateway Determination for which we provide the following background of progress to date:

- Gateway Determination was issued on 24 June 2016 for the PP to proceed with a proposed B4 Zone, 2:1 FSR and 31m height limit across the site, subject to conditions.
- The PP was exhibited from 15 January 2018 to 1 March 2018 with a proposed B4 Zone, 2:1 FSR and 31m height limit across the site in accordance with the Gateway Determination (including with conditions satisfied), and in accordance with Cumberland IHAP and Council meeting resolutions in September and December 2017.
- Council resolved on 18 July 2018 after the public exhibition to conditionally approve an amended PP for a split zoning which:
  - B2 Zone with 2.4:1 FSR and 31m building height limit over part of the site
  - R4 Zone with 1.5:1 FSR and 24m height limit over part of the site

This split zoning is inconsistent with the Gateway Determination limits design flexibility, impacting the amount of retail and commercial employment generating uses that can be provided on site.

The purpose of this Planning Statement outlines the planning, design merits and community benefits of a revised B4 Mixed Use zoning scheme prepared by Marchese Partners. This scheme is consistent with the design principles of the scheme endorsed by the DPE.

This Planning Statement should be read in conjunction with the following supporting documentation:

- Concept plans - Marchese Partners
- Economic and Social Assessment – Hill PDA
- Draft Statement of Offer for a VPA – Merc Capital

## 2. Key elements of the proposal

The revised proposal includes the following key elements:

- Mixed use scheme including retail, business, community and recreation uses at the ground and first level, and residential above
- Reduced residential units (200 less apartments), while providing an increase in employment opportunity (approximately 500 more jobs)
- New public local park
- Greening of Woodville Road and new streets
- Mix of residential units with communal rooftop gardens
- New street connections and internal linkages
- Affordable Key Worker Rental Housing (10-years)

The following planning controls are proposed across the site:

- B4 Mixed Use Zoning
- Maximum FSR - 2:1
- Maximum height of building - 31 metres (9 Storeys)

These controls are consistent with the original scheme submitted to Council in 2015.

## 3. Planning and Public Benefits

The revised design proposal includes the following planning and public benefits:

- **Public domain improvements**, including a public park, new streets, through-site linkages, 10m setback land dedication for greening of Woodville Road, increased public open space, improved street appearance and revitalisation of the precinct;
- **New land uses** to fill the 'gap' in the locality, providing additional retail, community and recreational uses;
- **Traffic and Transport improvements**, with signalisation of Woodville Road intersection with Lansdowne Street, new through-street connections to relieve existing pressure on Highland Road congestion; future bus interchange space within 10m Woodville Road setback land dedication area;
- **Ground level activation** through provision of new streets with ground floor active retail uses, public park and spaces, increased casual surveillance and public safety;
- **Improved pedestrian amenity** through increased interaction of the site with the street level, and improved walkability;
- **Increased separation distances** between the proposal and existing school and residences provided for by new streets and new public park;
- **Increased provision of low cost housing forms** including Affordable Key Worker rental housing;
- **New employment opportunities**, during both construction and operation. Noting that the revised scheme provides the opportunity for approximately 500 more jobs than the previous scheme;

- **Community infrastructure**, including a large childcare centre (up to 100 children), key worker housing, gymnasium, medical centre and public park;
- **Increased open space** and amenity through providing a new public park and embellishments and residential rooftop communal open space gardens;
- **Increased services** for the local community, including retail, medical, food and beverage, and childcare uses; and
- **Economic benefits** for the locality, as described in the accompanying Economic Assessment prepared by Hill PDA.

#### **4. Relationship to the Surrounding Area**

The revised proposal provides an appropriate density and built form for this key site, respecting the character of the surrounding area as follows:

- A variety of building heights provide a transition to the adjoining residential areas.
- Increased separation distances from adjoining school and residences with new streets and a public park to provide an improved relationship to existing educational and residential developments with reduced potential for overlooking and overshadowing, as detailed in the Shadow Analysis Marchese Partners – See Figure 1.
- Improved accessibility through new roads and street connections.
- With the shifting of the public park to the west of the site, this provides an improved scheme:
  - Potential for a direct connection from the school grounds to the park, resulting in improved safety and amenity for the school; and
  - Increased separation distances from the park to and buildings, providing greater solar access in the new park location compared to the former central park location.

Accordingly, the revised concept design provides an improved outcome for the precinct.



*Figure 1: Shadow Analysis Marchese Partners*

## 5. Design Merits

### 5.1. Consistency with the DCP Principles

As detailed below and in the accompanying plans prepared by Marchese Partners, the proposed revised scheme aligns with the Draft DCP Principles for the Woodville Road Neighbourhood Centre Precinct (2017).

#### DCP - Desired Future Character

The precinct has the following Desired Character, as stated in the DCP:

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

The proposal is entirely consistent with this Desired Character as follows:

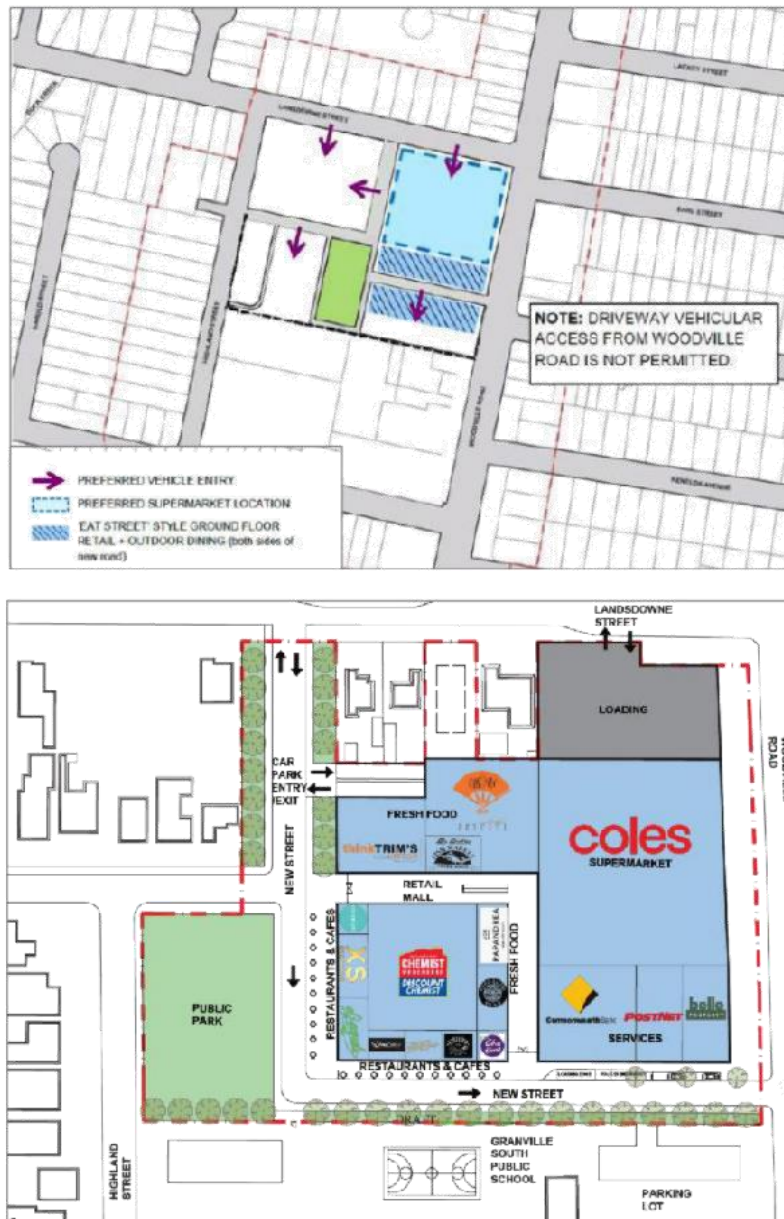
- Active ground floor retail uses will provide an attractive main street, and will include a supermarket and other retail and business uses.
- The scale of the development is appropriate for this large corner site, providing a transition to the adjoining residential area through a variety of building heights.
- A large public park and improved public domain will contribute to the character and amenity of a people orientated precinct, and provide greater separation between the proposed mixed use development and surrounding residences and school.

#### DCP - Site Structure and Land use

The revised scheme is generally consistent with the Site Structure and Land Use Plan, but provides for an improved layout and scheme, better integrated with the surrounding precinct - See Figure 2 and the key features below:

- A supermarket has been provided as shown with access from Lansdowne Road
- An 'eat street' has been provided at two sides of the new street, but shifted to the west of the site where the cafes and restaurant will overlook the new public park and green streets, providing an improved customer experience
- An internal retail mall will provide further food offerings and retail services
- Vehicles will exit only onto Woodville Road, with the main driveway access provided on Lansdowne Road
- Improved access and circulation will be provided through more direct street connections and traffic signals, providing new connections via Lansdowne Street, Highland Street and Woodville Road.





## DCP - Precinct Principles

As illustrated on the adjoining plans prepared by Marchese Partners (see extract below), the scheme is generally consistent with the DCP precinct principles, as follows:



### Comments. Re. Revised Scheme

- Active street frontages over and above that suggested by the DCP provide a pedestrian friendly precinct
- New food and drink premises will provide a range of options, and provide two 'eat streets' largely overlooking the new public park providing an attractive place to dine
- Woodville Road and the new internal streets will be greened through new trees and street planting
- Potential future connection from school to the public park. By shifting the public park to the west of the site this provides greater safety for school children by separating the open space from the new roads and retail precinct
- New street connections will provide access to Lansdowne Street, Highland Street and Woodville Road.
- A variety of building heights (ranging from 4,5,7 and 9 storeys) and appropriate setbacks provide transition to the surrounding residential development
- Increased setbacks and the provision of two levels of commercial uses ensure the adjoining school grounds will not be overlooked



Figure 3: Precinct Principles - Draft Woodville Road Neighbourhood Centre DCP 2017, and Ground Floor Plan - Marchese Partners



## 5.2. Consistency with ADG Design Quality Principles

The concept has been designed to reflect the requirements of SEPP 65 Design Quality of Residential Apartment Development and the Apartment Design Guide, subject to future detailed design plans and a compliance assessment to be submitted to Council at the future Development Application (DA) stage.

The following table outlines how the revised scheme generally responds to the ADG Design Quality Principles:

Design Quality of Residential Apartment Development	
Schedule 1 Design Quality Principles	How the Revised Scheme responds?
<p><b>Principle 1 – Context and Neighbourhood Character</b></p> <p><i>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</i></p> <p><i>Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</i></p>	<ul style="list-style-type: none"> <li>The revised scheme aligns with the DCP's future character of the precinct as detailed above.</li> <li>Better integration of the site with the surrounding precinct is provided by active ground floor retail uses throughout the site. In comparison, a split zoning would dedicate a large portion of the site to R4 High Density Residential with non active uses at lower level.</li> <li>A new public park will enhance the area, and adjoining school grounds. Through the relocation of the public park to the west of the site, the amenity of the adjoining residential area will be protected and improved.</li> </ul>
<p><b>Principle 2 – Built Form and Scale</b></p> <p><i>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</i></p> <p><i>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</i></p> <p><i>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</i></p>	<ul style="list-style-type: none"> <li>The revised proposal will provide a variety of building heights, and provides an appropriate transition to the adjoining residential areas.</li> <li>Greater separation between new buildings, the school grounds and nearby residential properties has been provided to ensure minimal overshadowing.</li> <li>Improved street connections provide a walkable neighbourhood.</li> </ul>
<p><b>Principle 3 – Density</b></p> <p><i>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</i></p> <p><i>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</i></p>	<ul style="list-style-type: none"> <li>The proposal is an appropriate density for this corner location, providing an increase in employment use through a variety of retail, business and community uses, while also supporting population growth through increased housing supply.</li> </ul>
<p><b>Principle 5 – Landscape</b></p> <p><i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</i></p> <p><i>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating</i></p>	<ul style="list-style-type: none"> <li>A new public park, communal rooftop gardens, and green streets provide increased amenity while improving the appearance of the area and increasing social interaction.</li> <li>The solar amenity of the adjoining school grounds will be protected from overshadowing, as illustrated in accompanying overshadowing analysis prepared by Marchese Partners.</li> </ul>

Design Quality of Residential Apartment Development	
Schedule 1 Design Quality Principles	How the Revised Scheme responds?
<p><i>water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks.</i></p> <p><i>Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long term management</i></p>	
<p><b>Principle 6 – Amenity</b></p> <p><i>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.</i></p> <p><i>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.</i></p>	<ul style="list-style-type: none"> <li>• The revised scheme provides increased and generous setbacks, ensuring protection of amenity of the adjoining school and residential areas.</li> <li>• A new park and common open spaces provide enhanced residential amenity and access to sunlight.</li> <li>• Internal residential apartment amenity subject to detailed design in future DA and to comply with the Apartment Design Guide</li> </ul>
<p><b>Principle 7 – Safety</b></p> <p><i>Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</i></p> <p><i>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</i></p>	<ul style="list-style-type: none"> <li>• The revised scheme provides improved safety through improved and traffic circulation that does not divide the new park from the school grounds.</li> <li>• Passive surveillance of the communal rooftop gardens will be provided through overlooking from the units above.</li> <li>• The 'eat street' and other business and residential units will provide passive surveillance of the public park to increase public safety and security</li> </ul>
<p><b>Principle 8 – Housing Diversity and Social Interaction</b></p> <p><i>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</i></p> <p><i>Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</i></p> <p><i>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents</i></p>	<ul style="list-style-type: none"> <li>• A diversity of housing will be provided including key worker housing and a mix of apartment types, providing housing choice for a range of household types.</li> <li>• Large rooftop gardens, overlooked by residential units above, provide opportunities for safe social interaction amongst residents.</li> <li>• The mixed use scheme provides a mix of commercial, recreational and community uses within the podium levels and includes a portion of Key Worker Rental Housing, providing the opportunity for social interaction.</li> </ul>
<p><b>Principle 9 – Aesthetics</b></p> <p><i>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</i></p> <p><i>The visual appearance of well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</i></p>	<ul style="list-style-type: none"> <li>• The proposal provides an exemplar approach to a contemporary well-designed mixed use development, capable of achieving design excellence.</li> <li>• The revised scheme provides a balance of residential, recreational and commercial uses, ensuring a true mixed use proposal.</li> <li>• Detailed design plans will be provided at DA stage.</li> </ul>

Marchese Partners have confirmed that the scheme is capable of achieving consistency with the ADG, including the following key numerical requirements:

**Clause 6A of SEPP 65 and Parts 3 & 4 of ADG**

- (a) visual privacy, 2F – Building Separation
- (b) solar and daylight access, ADG 4A-1 Solar and Daylight Access
- (c) common circulation and spaces, 3D – Communal and Public Open Space
- (d) apartment size and layout, in accordance with clause 30(b) of SEPP 65 and 4D of ADG
- (e) ceiling heights, in accordance with clause 30(c) of SEPP 65 and Part 4C of ADG
- (f) private open space and balconies, ADG Objective 4E-1
- (g) natural ventilation, ADG 4B – Natural Ventilation
- (h) storage, 4G-1 of ADG

**Clause 30(a) of SEPP 65 and Part 3J of ADG**

Car parking in accordance with minimum specified in Part 3J of the Apartment Design Guide

**Clause 28 SEPP 65**

Design Quality Principles, as addressed above  
Building Separation, ADG Part 2F

**2E – Building Depth**

Maximum apartment depths of 12-18m from glass line to glass line

**2F – Building Separation**

Minimum separation distances for buildings are:

Up to four storeys (approximately 12m):

- 12m between habitable rooms/balconies
- 9m between habitable and non-habitable rooms
- 6m between non-habitable rooms

Five to eight storeys (approximately 25m):

- 18m between habitable rooms/balconies
- 12m between habitable and non-habitable rooms
- 9m between non-habitable rooms

Nine storeys and above (over 25m):

- 24m between habitable rooms/balconies
- 18m between habitable and non-habitable rooms
- 12m between non-habitable rooms

**3D – Communal and Public Open Space**

An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping

1. Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)
2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter)

**ADG 4A-1 Solar and Daylight Access**

1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas
2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter
3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter

#### ADG 4B - Natural Ventilation

All habitable rooms are naturally ventilated

- At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed

#### ADG 4C - Ceiling Heights

- Measured from finished floor level to finished ceiling level, minimum ceiling heights are:

Minimum ceiling height for apartment and mixed use buildings	
Habitable rooms	2.7m
Non-habitable	2.4m
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use

These minimums do not preclude higher ceilings if desired

#### 4D – Apartment size and layout

- Apartment are required to have the following minimum internal areas:

Apartment type	Minimum internal area
Studio	35m <sup>2</sup>
1 bedroom	50m <sup>2</sup>
2 bedroom	70m <sup>2</sup>
3 bedroom	90m <sup>2</sup>

The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m<sup>2</sup> each

A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m<sup>2</sup> each

- Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms

#### ADG Objective 4E.1 – Private Open Space

- All apartments are required to have primary balconies as follows:

Dwelling type	Minimum area	Minimum depth
Studio apartments	4m <sup>2</sup>	-
1 bedroom apartments	8m <sup>2</sup>	2m
2 bedroom apartments	10m <sup>2</sup>	2m
3+ bedroom apartments	12m <sup>2</sup>	2.4m

The minimum balcony depth to be counted as contributing to the balcony area is 1m



# DOCUMENTS ASSOCIATED WITH REPORT C02/19-15

## Attachment 3 Architectural Concept Drawings





## 246-260 Woodville Road, Merrylands

December 2018



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PERSPECTIVE VIEW



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GROUND FLOOR - 1/1000@A3



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LEVEL 1 - 1/1000@A3





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PERSPECTIVE VIEW FROM THE PARK



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PERSPECTIVE VIEW FROM NEW  
STREET TO THE WEST





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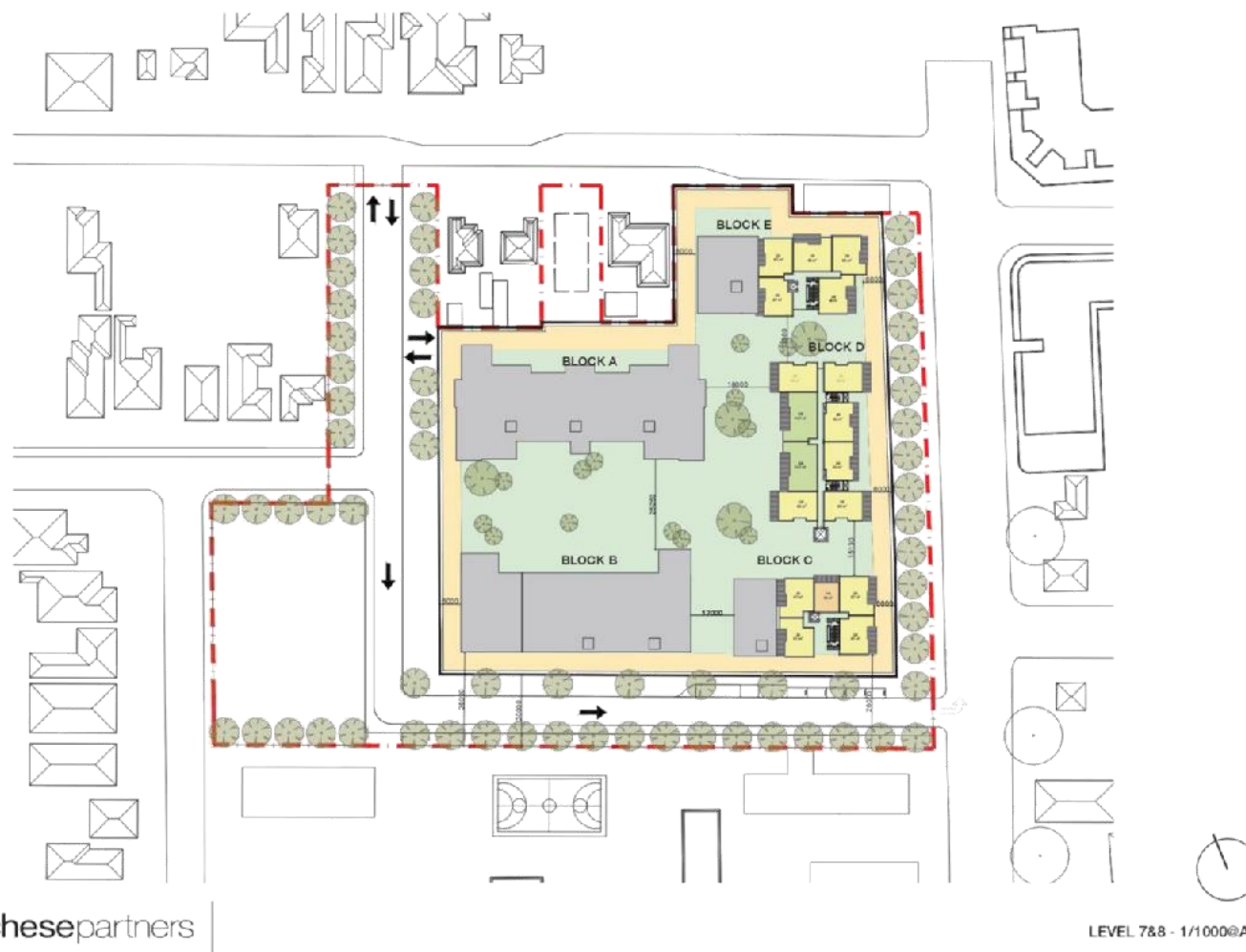
PERSPECTIVE VIEW FROM NEW  
STREET TO THE SOUTH

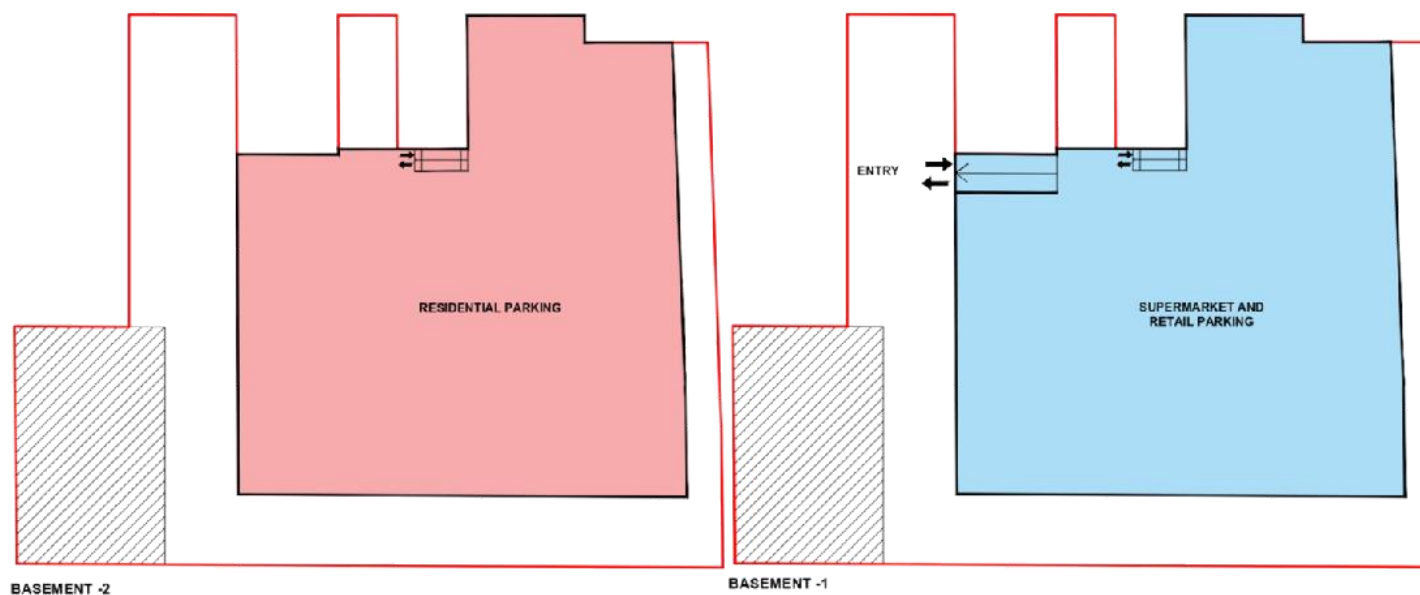








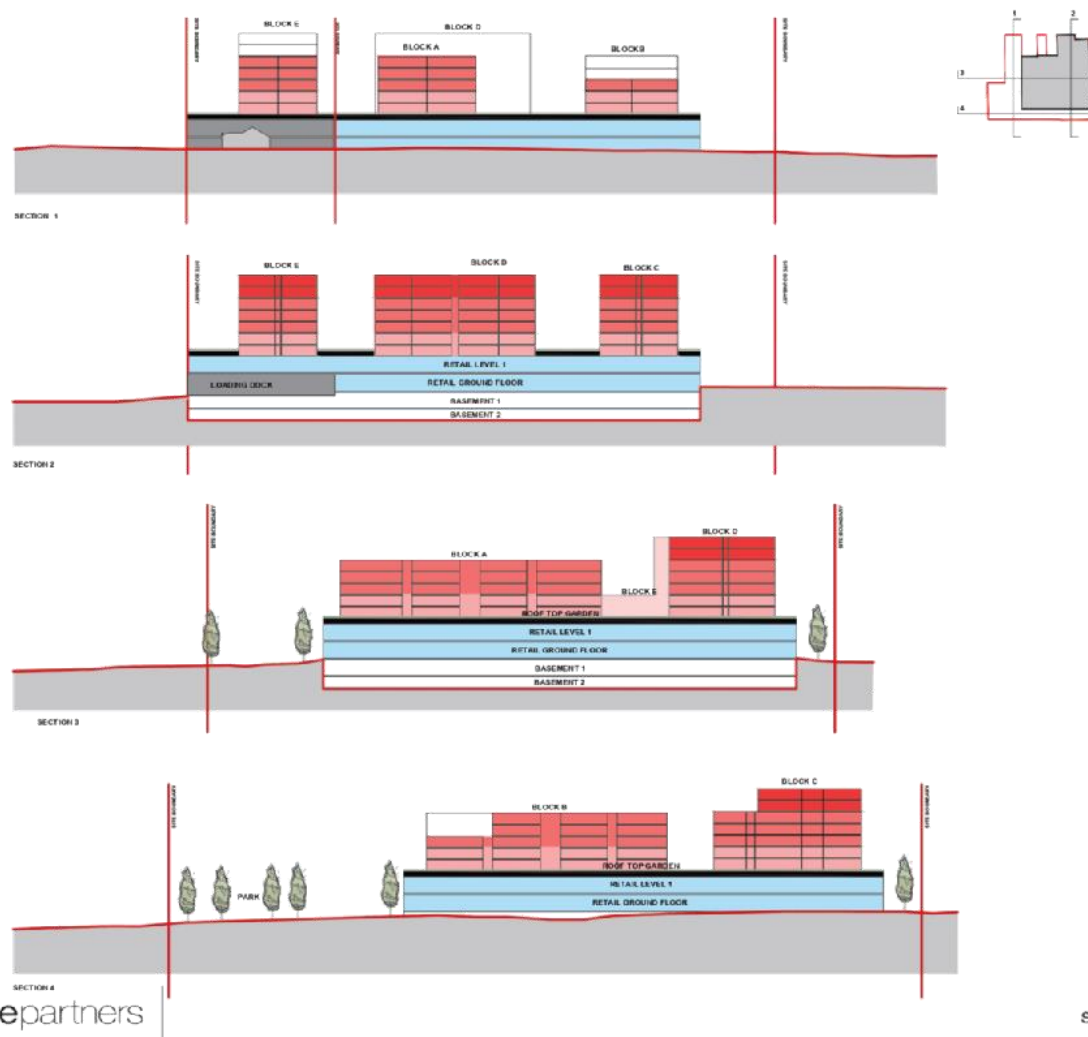




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BASEMENT DIAGRAM- 1/1000@A3







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PERSPECTIVE VIEW



CUMBERLAND  
COUNCIL



CUMBERLAND  
COUNCIL

**Council Meeting  
21 August 2019**

**Council Meeting  
20 February 2019**



marchesepartners



SHADOW ANALYSIS



# DEVELOPMENT DATA\_GFA & FSR

BLOCK A		BLOCK B		BLOCK C		BLOCK D		BLOCK E	
LEVEL	GFA RESIDENTIAL (m <sup>2</sup> )	LEVEL	GFA RESIDENTIAL (m <sup>2</sup> )	LEVEL	GFA RESIDENTIAL (m <sup>2</sup> )	LEVEL	GFA RESIDENTIAL (m <sup>2</sup> )	LEVEL	GFA RESIDENTIAL (m <sup>2</sup> )
GF	245.20	GF	115.90	GF	158.94	GF	0.00	GF	94.00
1	0.00	1	10.00	1	0.00	1	66.00	1	10.00
2	1,276.70	2	1,042.80	2	585.52	2	816.41	2	737.29
3	1,276.70	3	1,042.80	3	585.52	3	816.41	3	737.29
4	1,276.70	4	1,042.80	4	585.52	4	816.41	4	491.17
5	1,276.70	5	779.22	5	585.52	5	816.41	5	491.17
6	1,276.70	6	779.22	6	585.52	6	816.41	6	491.17
				7	452.79	7	816.41	7	491.17
				8	452.79	8	816.41	8	491.17
TOTAL	6,528.70	TOTAL	4,812.74	TOTAL	3,992.12	TOTAL	5,780.87	TOTAL	4,034.43

GFA COMMERCIAL, COMMUNITY AND RECREATIONAL (m <sup>2</sup> )	
GROUND FLOOR	11,333.62
FIRST FLOOR	13863.91

	GFA RESIDENTIAL	GFA COMMERCIAL, COMMUNITY AND RECREATIONAL (m <sup>2</sup> )	TOTAL
TOTAL	25,248.86	25,197.53	50,446.39
SITE AREA	26,179.19	FSR	1.93



## DEVELOPMENT DATA\_UNIT MIX

BUILDING A					BUILDING B					BUILDING C					BUILDING D					BUILDING E				
LEVEL	1B	2B	3B	SUB TOTAL	LEVEL	1B	2B	3B	SUB TOTAL	LEVEL	1B	2B	3B	SUB TOTAL	LEVEL	1B	2B	3B	SUB TOTAL	LEVEL	1B	2B	3B	SUB TOTAL
2	1	10	2	13	2	2	7	2	11	2	2	5	0	7	2	0	6	2	8	2	1	7	0	8
3	1	10	2	13	3	2	7	2	11	3	2	5	0	7	3	0	6	2	8	3	1	7	0	8
4	1	10	2	13	4	2	7	2	11	4	2	5	0	7	4	0	6	2	8	4	0	5	0	5
5	1	10	2	13	5	1	6	1	8	5	2	5	0	7	5	0	6	2	8	5	0	5	0	5
6	1	10	2	13	6	1	6	1	8	6	2	5	0	7	6	0	6	2	8	6	0	5	0	5
										7	1	4	0	5	7	0	6	2	8	7	0	5	0	5
										8	1	4	0	5	8	0	6	2	8	8	0	5	0	5
<b>TOTAL</b>	<b>5</b>	<b>50</b>	<b>10</b>	<b>65</b>	<b>TOTAL</b>	<b>8</b>	<b>33</b>	<b>8</b>	<b>49</b>	<b>TOTAL</b>	<b>12</b>	<b>33</b>	<b>0</b>	<b>45</b>	<b>TOTAL</b>	<b>0</b>	<b>42</b>	<b>14</b>	<b>56</b>	<b>TOTAL</b>	<b>2</b>	<b>39</b>	<b>0</b>	<b>41</b>
RATIO	8%	77%	15%		RATIO	16%	67%	16%		RATIO	27%	73%	0%		RATIO	0%	75%	25%		RATIO	5%	95%	0%	

TOTAL UNIT MIX				
BUILDING	1B	2B	3B	SUB TOTAL
A	5	50	10	65
B	8	33	8	49
C	12	33	0	45
D	0	42	14	56
E	2	39	0	41
<b>TOTAL</b>	<b>27</b>	<b>197</b>	<b>32</b>	<b>256</b>
RATIO	11%	77%	13%	





# DOCUMENTS ASSOCIATED WITH REPORT C02/19-15

## Attachment 4 Draft Letter of Offer







Merc Capital

21 December 2018

Mr Hamish McNulty  
General Manager  
Cumberland Council

Dear Mr McNulty

**RE: PLANNING PROPOSAL FOR WOODVILLE ROAD MERRYLANDS EAST  
NEIGHBOURHOOD CENTRE – PROPOSED VPA TERMS**

I refer to the Council resolution on 18 July 2018 and recent correspondence from Council concerning a Planning Agreement for contribution and delivery of public / community benefits associated with the Planning Proposal for the Woodville Road Merrylands East Neighbourhood Centre. Our proposed VPA terms are as follows:

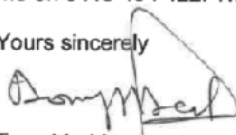
- public park landscaped with a minimum area of 2,000sq.m;
- widening and landscaping of Woodville Road frontage;
- traffic signals on corner of Woodville Rd and Lansdowne Street;
- new road connection between Highland Street and Lansdowne Street;
- affordable 'key worker' rental housing comprising twelve dwellings excluded from floor space ratio standard;
- monetary contribution towards community facilities;
- monetary contribution of 1.5% of the value of VPA contributions towards Council administration costs.

This VPA offer is made on the basis that further development contributions at DA stage would not be applicable to future Development Applications made under this Planning Proposal.

We would be pleased to discuss these proposed VPA terms further with Council.

If you have any queries or would like to discuss this matter, please do not hesitate to contact me on 0419 464 422. Thank you.

Yours sincerely



Tony Merhi

Managing Director

tel +61 2 9899 4000 | [www.merccapital.com.au](http://www.merccapital.com.au)A40C / 24-32 Lexington Drive, Bella Vista NSW 2153 | PO Box 7226 Baulkham Hills NSW 2153  
Australia



**PROPOSED VPA TERMS**

Item	Offer	Timing	Value	Comment
Local Open Space	Dedication of minimum 2,000sq.m of embellished / landscaped public park.	Dedication prior to occupation certificate for more than 6,000sq.m of retail space and/or more than 200 dwellings	Works: \$1,000,000 Land: \$2,754,000 Total: \$3,754,000	Value of dedication far exceeds typical development contribution rate for open space. Urban design of park has merit in terms of position, size, dimensions, solar access, landscape spend.
Public domain improvements	Dedication of 1,352sq.m of embellished land for widening of Woodville Road.	To be completed prior to occupation certificate for more than 6,000sq.m of retail space and/or more than 200 dwellings	Works: \$ 473,200 Land: \$1,861,704 Total: \$2,334,904	Provides for public transport (bus and taxi) stops and improved traffic flow along Woodville Road. Urban design merits are embodied in design concept plans.
Roads and traffic upgrades	Construction of traffic signals on corner of Woodville Rd and Lansdowne St.  New road connection between Highland St and Lansdowne St	To be completed prior to occupation certificate for more than 6,000sq.m of retail space and/or more than 200 dwellings.	Works: \$1,500,000  Works: \$ 888,600 Land: \$6,000,000 Total: \$7,449,743	Improves local traffic flows with signalised intersection and new road connections through site between Highland Street, Lansdowne Street and Woodville Road.
Affordable housing	12 dwellings as affordable 'key worker' rental housing for 10 years which are excluded from the floor space ratio standard applying to development.	To be completed prior to occupation certificate for more than 200 dwellings.	Value to be confirmed	12 dwellings rented to 'key workers' on low-moderate household incomes (defined as 50% to 120% of median household income in Sydney) at a rent of no more than 30% of the household income for ten years. As a late-item addition to this Planning Proposal suggested by Council, affordable rental dwellings are provided on the basis that their additional floorspace will be excluded from the maximum floor space ratio and building height standards in the proposal.

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Item	Offer	Timing	Value	Comment
Community facilities	Monetary contribution of \$50,000.	Contribution prior to occupation certificate for more than 6,000sq.m of retail space or 250 dwellings	Value: \$50,000	Council advises that it is not proposing a community facility on site and is seeking a monetary contribution. Monetary contribution excludes child care below.
Child Care	DA will include child care centre with minimum capacity of 100 child care places which may be commercially operated (ie. not dedicated to Council).	Included in Development Application.	Qualitative value of community use.	Child care facility on site for up to 100 children provides community serving use with qualitative value. As a commercial operation, it has no readily identifiable quantitative public value.
Administration costs	1.5% of total contributions as per Council resolution.	Contribution prior to occupation certificate for more than 6,000sq.m of retail space and/or more than 250 dwellings	Value to be confirmed	

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## Minutes of the Council Meeting 20 February 2019

### Meeting commenced at 6:31pm

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#### Present:

Greg Cummings (Mayor)	Councillor
Glenn Elmore (Deputy Mayor)	Councillor
Ned Attie	Councillor
George Campbell	Councillor
Steve Christou	Councillor
Paul Garrard	Councillor
Ross Grove	Councillor
Ola Hamed	Councillor
Kun Huang	Councillor
Lisa Lake	Councillor
Joseph Rahme	Councillor
Suman Saha	Councillor
Eddy Sarkis	Councillor (arrived 6:39pm)
Michael Zaiter	Councillor
Tom Zreika	Councillor
Hamish McNulty	General Manager
Melissa Attia	Director People & Performance
Brooke Endycott	Director Community Development
Peter Fitzgerald	Director Works & Infrastructure
Richard Sheridan	Director Finance & Governance
Daniel Cavallo	Director Environment & Planning

#### Also Present:

Charlie Ayoub	Group Manager Corporate & Customer
Monica Cologna	Manager Strategic Planning
Carol Karaki	Governance Coordinator
Olivia Shields	Governance Administration Officer

#### Opening Prayer

The opening prayer was read by Pdt Jatinkumar Bhatt from Sri Mandir Hindu Temple.

#### Acknowledgement of Country

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

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

### **National Anthem**

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

### **Notice of Live Streaming of Council Meeting**

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

### **Min.419 Apologies/Leave of Absence**

#### **Resolved (Garrard/Huang)**

Note: Councillor Garrard noted that Councillor Sarkis is an apology at this stage of the meeting. Councillor Sarkis later entered the Meeting at 6:39pm.

That the apology tendered on behalf of Councillor Sarkis be accepted.

---

### **Confirmation of Minutes**

**Min.420 C02/19-10 Minutes of the Ordinary Meeting of Council - 6 February 2019**

#### **Resolved (Attie/Campbell)**

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

---

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

Councillor Huang declared a non-pecuniary, less than significant interest in relation to Item C02/19-14 as he had met with a representative from Payce regarding the Planning Proposal.

Councillor Zaiter declared a non-pecuniary, significant interest in relation to Item C02/19-15 as a client of his firm has an interest in the landholding. As such, Councillor Zaiter exited the Chamber during the consideration of this item.

Councillor Grove left the Meeting at 6:35pm during the consideration of this item.

---

### **Min. 421 MM02/19-1 Mayoral Minute – Housing**

I strongly believe that there is need for a reduction in the strain being placed on Western Sydney by ongoing population growth and failed government housing policies. I am seeking an urgent change in policy so that future housing and population growth is concentrated in those areas of Sydney that are already serviced by well-established infrastructure, rather than in those areas, such as Western Sydney, where vital



infrastructure such as adequate public transport is lacking and will not be available in the near future.

In the past decade western Sydney's population has grown by 25%. By comparison, eastern and central Sydney, where infrastructure is concentrated, has grown by less than 15%.

I believe that future housing policy should be based on the following principles:

1. Major housing projects must be paired with major infrastructure projects and timelines.
2. The Greater Sydney Commission's housing targets must be revised to ensure Sydney's growth is more evenly spread and matched with existing infrastructure.
3. Apartments and townhouses, must be directed to those places where there is employment and good infrastructure.
4. The NSW Government must invest in making housing more affordable through zoning and inclusive development schemes.
5. The NSW Government must implement a 'liveability compact' with the people of Sydney, ensuring future growth plans embed measurable liveability targets.
6. Developers must pay their fair share of infrastructure costs; including community facilities, which provide the home for services which ensure new communities' well-being.
7. Rail and other public transport infrastructure must be built and operated so that the density of rail lines, stations and bus services and service frequency is the same in Western Sydney as it is in the rest of Sydney.

**Resolved (Cummings)**

That Council write to the Premier, Leader of the Opposition, State Members, Minister for Planning and Shadow Minister for Planning recommending a change to housing policy to include the principles outlined in this Mayoral Minute.

Councillor Grove returned to the Meeting at 6:37pm during the consideration of this item.

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

---

**Min.422      Suspension of Standing Orders**

**Resolved (Sarkis/Attie)**

That in accordance with Clause 1.6 (2) of the Code of Meeting Practice, Council suspend standing orders to allow Items C02/19-14 and C02/19-15 to be addressed in the meeting following Public Forum.



**Public Forum:**

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

<b>Speaker</b>	<b>Item #</b>	<b>Suburb</b>
Mr Tony Oldfield	C02/19-14 Planning Proposal Request – 300 Manchester Road, Auburn	Auburn
Mr Peter Dixon	C02/19-14 Planning Proposal Request – 300 Manchester Road, Auburn	Granville
Mr Dominic Sullivan	C02/19-14 Planning Proposal Request – 300 Manchester Road, Auburn	Sydney
Ms Kerryn Stanton	C02/19-14 Planning Proposal Request – 300 Manchester Road, Auburn	Auburn
Ms Deborah Neyle	C02/19-14 Planning Proposal Request – 300 Manchester Road, Auburn	Auburn
Mr Andrew Wilson	C02/19-15 Request for Revised Gateway Determination – Planning Proposal for 264 Woodville Road, Merrylands	Baulkham Hills

**Note:** Mr Tony Merhi, Mark Grayson and Steve Zappia were also registered to address Council, in association with Mr Wilsons address. Mr Wilson introduced them to the chamber, and noted that they were registered to address Council for the purposes of responding to questions only in relation to the Planning Proposal.

Councillor Rahme returned to the Meeting at 6:46pm during the consideration of this item.

Councillor Rahme left the Meeting at 7:24pm during the consideration of this item.

**Min.423 C02/19-14 Planning Proposal Request - 300 Manchester Road, Auburn**

**Motion (Campbell/Hamed)**

That Council does not proceed to refer this planning proposal to gateway determination.

**Amendment (Grove/Elmore)**

That Council defer the consideration of the proposal, in order to determine whether the matter should proceed to gateway determination, subject to obtaining feedback and submissions from government agencies.

The Amendment moved by Councillor Grove seconded by Councillor Elmore on being Put was declared CARRIED.

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

Councillor(s) For the Amendment:	Attie, Christou, Cummings, Elmore, Grove, Rahme, Sarkis, Zaiter and Zreika.
----------------------------------	---

---

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

The Amendment moved by Councillor Grove seconded by Councillor Elmore then became the motion.

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

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

Councillor(s) For the Motion: Attie, Christou, Cummings, Elmore,  
Grove, Rahme, Sarkis, Zaiter and  
Zreika.

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

Councillor Christou left the Meeting at 7:26pm and returned to the Meeting at 7:28pm during the consideration of this item.

Councillor Rahme returned to the Meeting at 7:29pm during the consideration of this item.

Councillor Sarkis left the Meeting at 7:47pm and returned to the Meeting at 7:49pm during the consideration of this item.

---

## ADJOURNMENT

**8:34pm** The Mayor, Councillor Cummings adjourned the Meeting for a short recess.

**8:45pm** The Mayor, Councillor Cummings resumed the Meeting.

---

### **Min.424 C02/19-15 Request for Revised Gateway Determination - Planning Proposal for 264 Woodville Road, Merrylands**

**Note:** Councillor Zaiter exited the Chamber during the consideration of this item as he had declared a non-pecuniary significant interest in this item.

#### **Motion (Sarkis/Garrard)**

That Council:

1. Proceed with the following controls for the site, as outlined in the Gateway Determination (of 24 June 2016): B4 Mixed Use zone with a maximum building height of 31m and maximum FSR of 2:1 across the site;
2. Endorse an amended Planning Proposal as per recommendation 1 above, to forward to the Department of Planning and Environment, subject to the negotiation of a planning agreement to the satisfaction of Council prior to finalisation;
3. Amend the Development Control Plan (DCP) controls '4.1.12 Woodville Road Neighbourhood Centre Precinct' of the Parramatta DCP to reflect the amended proposal; and
4. Delegate to the General Manager authority to make minor non-policy corrections or formatting changes to the draft DCP controls prior to it coming into effect; and
5. Propose to rezone the subject land from B4 Mixed Use zone to B2 Local Centre zone and RE1 Public Recreation zone as part of the comprehensive Cumberland LEP, reflecting Council's strategic approach to the local centres hierarchy and objectives of the *Central City District Plan*.

**Amendment (Saha/Christou)**

That Council defer the consideration of this matter pending further information in relation to the alternate resolution proposed.

The Amendment moved by Councillor Saha seconded by Councillor Christou on being Put was declared LOST.

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

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

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

The Motion moved by Councillor Sarkis seconded by Councillor Garrard on being Put was declared CARRIED on the casting vote of the Mayor to become the resolution of Council.

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

Councillor(s) For the Motion:	Attie, Cummings, Garrard, Grove, Rahme, Sarkis and Zreika.
-------------------------------	--

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

Councillor Rahme returned to the Meeting at 8:51pm during the consideration of this item.

Councillor Grove left the Meeting at 9:25pm and returned to the Meeting at 9:29pm during the consideration of this item.

---

**Min.425      Items by Exception**

**Resolved (Sarkis/Attie)**

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

That item numbers C02/19-12 and C02/19-16 be moved in bulk.

Councillor Zaiter returned to the Meeting for the consideration of this item.

Councillor Rahme left the Meeting at 9:37pm during the consideration of this item.

---

**Min.426      C02/19-12 Investment Report - January 2019**

**Resolved (Sarkis/Attie)**

That Council receive the January 2019 Investment Report.

---

**Min.427      C02/19-16 Tender Evaluation Report - Auburn Civic Centre Mechanical (Air Conditioning) Upgrade**

**Resolved (Sarkis/Attie)**

That Council:

1. Reject all tenders and invite fresh tenders for Tender T-2018-022 for the mechanical (air conditioning) upgrade at the Auburn Civic Centre in accordance with Clause 178(3)(b) of the *Local Government (General) Regulation 2005*.
2. Notify all tenderers of Council's resolution in (1) above.

---

**Min.428      C02/19-11 Quarter 2 Performance Report on the 2018/19 Operational Plan and Budget Review Statement**

**Note:** The Director Finance and Governance noted that an amendment had been made to the Attachment (Project Summary Report – Cumberland Swim Centre Modernisation) of the Council report. The amended version of the document is attached as Annexure A of the minutes.



---

**Resolved (Attie/Sarkis)**

That Council:

1. Receive the Quarter Two Performance Report on the Operational Plan 2018/19; and
2. Approve the revised estimates of income and expenditure for 2018/19 contained in the Quarterly Budget Review Statement.

Councillors Attie and Zaiter left the Meeting at 9:38pm and returned to the Meeting at 9:39pm during the consideration of this item.

Councillor Christou left the Meeting at 9:38pm and returned to the Meeting at 9:40pm during the consideration of this item.

---

**C02/19-12 Investment Report - January 2019**

This item was dealt with earlier in the meeting.

---

**Min.429 C02/19-13 Response to Notice of Motion - Childcare****Resolved (Campbell/Christou)**

That Council:

1. Receive and note the information contained in this report.
2. Expresses concern at proposed State government restrictions on Councils' discretion to refuse approval for Child Care Centres on a range of grounds including size, design, location, distribution and community needs which impact on the quality of premises and the amenity of residents.
3. Is particularly concerned that it will no longer be able to apply health and safety requirements such as the suitability of locations in the event of emergency evacuation or daily traffic flows.
4. Welcomes and endorses the staff submission to the Department of Planning and Environment advocating a range of improvements.

Councillor Huang left the Meeting at 9:44pm during the consideration of this item.

---

**C02/19-14 Planning Proposal Request - 300 Manchester Road, Auburn**

This item was dealt with earlier in the meeting.

---

**C02/19-15 Request for Revised Gateway Determination - Planning Proposal for 264 Woodville Road, Merrylands**

This item was dealt with earlier in the meeting.



---

**C02/19-16 Tender Evaluation Report - Auburn Civic Centre  
Mechanical (Air Conditioning) Upgrade**

This item was dealt with earlier in the meeting.

---

**Min.430 C02/19-17 Notice of Motion - Granville Heritage Precinct****Motion (Garrard/Hamed)**

That Council:

1. Seek a report on the establishment of a 'Granville Heritage Precinct' within the environs of the existing Granville Neighbourhoods, so as to acknowledge the preservation and interpretation of the heritage of the heritage representing the 19<sup>th</sup> and 20<sup>th</sup> century.
2. Further, that when considering any future use of the Granville Library, consideration be given to the establishment of a 'Heritage Centre' as an Annexure to the existing library system, acknowledging the extensive catalogue of data presently in the possession of the Granville Historical Society and others enabling a future benefit to the cultural tourism and family history study as desired by Cumberland residents.

**Amendment (Rahme/Zreika)**

That Council add the following point to the original motion (becoming point 3):

Consider the options for a multi-level carpark at the site or any other suitable sites within the Granville area, the costs associated and potential funding sources.

The Amendment moved by Councillor Rahme seconded by Councillor Zreika on being Put was declared LOST.

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

Councillor(s) For the Amendment:	Attie, Grove, Rahme, Sarkis and Zreika.
----------------------------------	---

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

The Motion moved by Councillor Garrard seconded by Councillor Hamed on being Put was declared CARRIED unanimously.

Councillor Huang returned to the Meeting at 9:46pm during the consideration of this item.

Councillor Rahme returned to the Meeting at 9:52pm during the consideration of this item.

---

The Mayor, Councillor Cummings closed the meeting at 10:20pm.

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

## ANNEXURE A

### Project Summary Report – Cumberland Swim Centre Modernisation

#### Construction Commencement Date Forecast:

- Wentworthville: September 2019
- Guildford: February 2020

#### Estimated "Practical Completion" Date Forecast:

- Wentworthville: December 2020
- Guildford: May 2021

Total Project Budget (Includes Design, Authority Fee and Construction): \$17,900,000- Guildford - \$8,950,000  
Wentworthville - \$8,950,000

Main Contractor: TBC

Project Status: 24 January 2019

#### Project Background and Scope

The Cumberland Council Swim Centre Modernisation has been under consideration for some time. The pools considered under this program are Guildford, Wentworthville, Granville & Merrylands. The modernisation and upgrades of the pools is strongly influenced by the Community Consultation. The upgrades of the pools are to address statutory requirements such as water quality and disability access. The modernisation of the pools will be addressed by the inclusion of facilities to better serve the current and future needs of the community.

The current approach is to focus on Guildford and Wentworthville Swim Centres as priorities. The design components of Merrylands and Granville are currently on hold, however, in the case of Granville, future design components are being developed in conjunction with, the adjoining development of the Granville Multipurpose Centre.

#### Project Status

Design consultants have been engaged and 80% Design Documentation is being produced for Guildford and Wentworthville. Additional consultation has been undertaken with the broader community. A pre Development Application meeting with Council's development section was conducted for Wentworthville and Guildford. Documentation for Wentworthville is being prepared in accordance with the requirements of the planning requirements (Infrastructure SEPP) for submission in late February, 2019. Documentation for Guildford is ongoing, awaiting confirmation from Council as to the approval process. Following the approval of Construction Certificates, tenders for the works will be requested.

#### Budget Summary

The total project budget for this project is \$17.9M. (All figures below exclude GST).

To date total spend on this project totals \$516,565. The commitments of \$424,394 include works by consultants.

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

Project Description	Actual 31 December 2018	Commitments	Approved budget	Proposed Q2 budget	Variance
Guildford Swim Centre Upgrade	403,953	284,431	8,950,000	1,000,000	8,261,616
Wentworthville Swim Centre Modernisation	112,612	139,963	8,950,000	1,500,000	8,697,425
Total	516,565	424,394	17,900,000	2,500,000	16,959,041

**DOCUMENTS  
ASSOCIATED WITH  
REPORT C08/19-175**

**Attachment 7  
Planning Proposal (March 2019)**





# PLANNING PROPOSAL

## Woodville Road, Merrylands

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

**March 2019**



**Document History**

Proponent versions:

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

Parramatta City Council versions:

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

Cumberland Council versions:

No.	Author	Version
1.	Cumberland Council	16 August 2017 – amended post-Gateway Determination
2.	Cumberland Council	3 July 2018 – amended post-exhibition to reflect evolution of Planning Proposal
3.	Cumberland Council	13 March 2019 – amended post 20 February 2019 Council resolution to revert to the planning controls outlined in the Gateway Determination of 24 June 2016

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## INTRODUCTION

This Planning Proposal explains the intended effect of, and justification for, the proposed amendment to the *Parramatta Local Environmental Plan 2011 (Parramatta LEP 2011)*. It has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment guides, *Local Environmental Plans - a guide to preparing local environment plans* (December 2018) and *Planning Proposals - a guide to preparing planning proposals* (December 2018).

## Background

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

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

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

**Table 1 – Lot and Deposited Plan Numbers**

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

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



Figure 1 – Location of the Planning Proposal Site

## Current Controls and Context

Under the *Parramatta LEP 2011*, the Site:

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

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

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



## PART 1 - OBJECTIVES OR INTENDED OUTCOMES

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

- to facilitate the development of the Site as a new mixed-use neighbourhood centre and in doing so, become a catalyst for further urban renewal along the Woodville Road corridor.
- improved accessibility via the proposed new streets to be located within the Site connecting to Woodville Road, Highland Street and Lansdowne Street.
- ensure the future built form and scale of development respects the surrounding built context and users (both existing and future).

## PART 2 - EXPLANATION OF PROVISIONS

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

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

1. Amend the zoning in the **Land Zoning Map** (Sheet LZN\_006 and Sheet LZN\_011) from part *B6 Enterprise Corridor* and part *R2 Low Density Residential* to *B4 Mixed Use*, as shown in **Figure 11** (in Part 4) of this Planning Proposal.
2. Amend the maximum building height in the **Height of Buildings Map** (Sheet HOB\_006 and Sheet HOB\_011) from part 9 metres and 12 metres to a maximum of 31 metres across the Site, as shown **Figure 12** (in Part 4) of this Planning Proposal.
3. Amend the maximum FSR in the **Floor Space Ratio Map** (Sheet FSR\_006 and Sheet FSR\_011) from part 0.5:1 and part 1.5:1 to 2:1 across the Site, as shown in **Figure 13** (in Part 4) of this Planning Proposal.
4. Introduce a site-specific provision to exclude gross floor area (GFA) for wintergardens from the calculation of FSRs for apartments fronting Woodville Road. This is proposed through the addition of a new clause 6.13 to the *Parramatta LEP 2011*.

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

### Gateway Determination

The NSW Department of Planning and Environment (DPE) issued a Gateway Determination on 24 June 2016 to progress the Planning Proposal, with certain amendments, and exhibit it (See Attachment 1 for the Gateway Determination).

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

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The Gateway Determination specifically required the Planning Proposal to address height transitions between the Site and the lower scale surrounding areas. This was addressed via a site-specific draft *Woodville Road Neighbourhood Centre Precinct Development Control Plan* (draft DCP), which was prepared for inclusion under Part 4 of the *Parramatta Development Control Plan 2011 (Parramatta DCP 2011)* to provide detailed development principles and controls for achieving height transitions. This draft DCP is currently being amended.

The Planning Proposal, originally prepared by Knight Frank Town Planning on behalf of Wiltex Pty Ltd (the Proponent), was amended by Cumberland Council to reflect the requirements of the Gateway Determination and to rectify minor drafting issues.

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

The Planning Proposal was further amended after the post-Gateway exhibition, in response to issues raised and further analysis.

An extension to the Gateway Determination timeframe was provided extending the date for completion to 1 July 2018.

The assessment of the planning proposal request, including consideration of submissions, along with the Planning Proposal and associated draft DCP for the Site was reported to Council on 18 July 2018. At that meeting, Council resolved to amend the Planning Proposal to:

- B2 Local Centre zone with a maximum height of 31m and maximum FSR of 2.4:1 at the front of the Site; and
- R4 High Density Residential zone with a reduced maximum height 24m and reduced maximum FSR of 1.5:1 at the rear of the Site.

A further extension was sought in late June 2018 to enable the finalisation of the Planning Proposal and an extension was provided to 1 October 2018.

The Site was sold in mid-2018 and the Proponent submitted a revised planning statement (Attachment 2), revised architectural concept drawings (Attachment 3), a social impact assessment (Attachment 4), and a revised economic impact assessment (Attachment 5) to Council on 24 December 2018 requesting Council to support the original Gateway Determination for a proposed B4 Mixed Use Zone, FSR of 2:1, and height of building control of 31 metres across the Site.

Council at its 20 February 2019 meeting resolved to proceed with controls for the Site, as outlined in the Gateway Determination; and to forward the Planning Proposal to the DPE, subject to the negotiation of a planning agreement to the satisfaction of Council prior to finalisation. Council also resolved to amend the draft DCP controls '4.1.12 Woodville Road Neighbourhood Centre Precinct' of the *Parramatta DCP 2011* to reflect the amended Planning Proposal. These amendments are currently being made.

This Planning Proposal has therefore been amended to reflect the 20 February 2019 Council resolution.



An extension has been sought on 4 March 2019 requesting an alteration of the Gateway Determination with a revised timeframe of 30 September 2019 to finalise the Planning Proposal.

## 2.1 Other relevant matters

### 2.1.1 Development Control Plan

A draft DCP has been prepared and is currently being amended to provide detailed development controls required to manage the development of the land. The draft DCP includes objectives and provisions to:

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

### 2.1.2 Voluntary Planning Agreement

The Proponent has provided a preliminary letter of offer to enter into a voluntary planning agreement (VPA) (Attachment 6). The terms of agreement have not yet been agreed upon. Once the terms of agreement have been finalised, a draft VPA will be exhibited.

## PART 3 - JUSTIFICATION

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

### 3.1 Section A - Need for the Planning Proposal

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

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

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

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

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

Consideration has been given to achieving the intended outcomes of the Planning Proposal by awaiting the next Council or local government area wide review of the *Parramatta LEP 2011*

or the preparation of the Cumberland LEP. However, given that this planning proposal request was lodged in 2015, and the comprehensive Cumberland LEP will not be completed until at least mid-2020, a Planning Proposal accompanied by a site-specific DCP is considered the most effective means of achieving the intended outcomes.

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

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

### **3.2 Section B - Relationship to strategic planning framework**

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

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

##### ***Greater Sydney Region Plan: A Metropolis of Three Cities***

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

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

The Planning Proposal will enable a mixed use neighbourhood centre, comprising approximately 250 dwellings, approximately 25,000 m<sup>2</sup> of retail, commercial and recreational uses, and a Public Park. Accordingly, the Planning Proposal is consistent with a number of key objectives and actions contained in the strategy, being:

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

##### ***Our Greater Sydney 2056: Central City District Plan***

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

**Table 2 – Consistency with the Central City District Plan**

Planning Priorities	Consistency
Providing housing supply, choice and affordability, with access to jobs, services and public transport (Planning Priority C5)	The Planning Proposal is expected to provide a diversity of housing choice with mainly 1, 2 and 3 bedroom units. The Planning Proposal would potentially yield approximately 250 dwellings, significantly increasing the diversity of housing choice in the immediate area, all within close proximity to bus services and the new neighbourhood centre.
Creating and renewing great places and local centres, and respecting the District's heritage (Planning Priority C6)	<p>The <i>Woodville Road Urban Design Study</i> reviewed the existing land use pattern and built form of the corridor, identified strategic opportunities and constraints, and recommended future development options and built forms. The study identifies the subject land as being a key site for a mixed use centre due to its location and ability to fill the 'gap' between the catchments of the Merrylands and Guildford centres. The <i>Draft Woodville Road Strategy</i> anticipates that development of the Site would act as a catalyst for the renewal of the Woodville Road corridor.</p> <p>The proposed redevelopment would renew a currently underutilised site into a mixed use neighbourhood centre focused around a new Public Park and new streets, and would diversify housing choice. This would yield significant amenity improvements for the immediate population and the Woodville Road corridor more generally.</p> <p>A large format supermarket is anticipated, which would act as the primary anchor for the provision of new retail facilities.</p>
Increasing urban tree canopy cover and delivering Green Grid connections (Planning Priority C16)	A deep soil setback of 10m along Woodville Road and the proposed planting of trees within the setback would increase urban tree canopy cover and improve amenity.
Delivering high quality open space (Planning Priority C17)	New road works with landscaped streets, as part of the proposed development, would result in good pedestrian connectivity and access to the proposed Public Park of at least 2000 m <sup>2</sup> . This would ensure new residents in the development have good access to public open space and would improve access to public open space for existing residents in the area.

### ***Draft Centres Policy***

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

**Table 3 – Consistency with the Draft Centres Policy**

Principles	Consistency
Principle 1 – Retail and commercial activity should be located in centres to ensure the most efficient use of transport and other	The Planning Proposal meets the principle of reducing car journeys through the co-location of residential, retail and commercial development, with other social and community facilities in one location.

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

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

#### ***Cumberland Community Strategic Plan 2017 - 2027***

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

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

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

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



### ***Draft Woodville Road Strategy 2015***

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

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



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

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

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- Strategic Objective 1 – Creating a new neighbourhood centre
- Strategic Objective 2 – Enhancing connections to established centres
- Strategic Objective 3 – Design quality
- Strategic Objective 4 – Provide new housing
- Strategic Objective 5 – Managing Woodville Road as a key transport route

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

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

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

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

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

**Table 4 – Consistency with State Environmental Planning Policies**

State Environmental Planning Policy (SEPP)/Deemed SEPPs	Consistent		N/A	Comment
	Yes	No		
SEPP No.55 - Remediation of Land	✓			The Site is currently zoned for urban purposes, being <i>B6 Enterprise Corridor</i> and <i>R2 Low Density Residential</i> . A limited environmental and hazardous materials assessment was undertaken in June 2014 for the majority of the Site. As the report did not indicate whether the land is suitable, or will be suitable, after remediation for residential use, an Environmental Site Investigation was undertaken to further assess the environmental risk and potential liabilities posed by the Site in March 2016. A review of both documents indicates that the land could be made suitable for residential uses after remediation. Controls have been placed in the draft DCP to require a remedial action plan to be submitted to Council for assessment and comment prior to the determination of the development application (DA).



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SEPP No.64 Advertising and Signage			✓	To be considered at DA stage, if required.
SEPP No.65 Design Quality of Residential Flat Development	✓			Compliance requirements considered at a higher level during the assessment of the Planning Proposal. Detailed compliance with the SEPP to be demonstrated at the time of making a DA for the Site's redevelopment.
SEPP (Affordable Rental Housing) 2009			✓	To be considered at DA stage, if required.
SEPP (Housing for Seniors or People with a Disability) 2004			✓	To be considered at DA stage, if required.
SEPP (BASIX) 2004			✓	Detailed compliance with BASIX requirements of the SEPP to be demonstrated at DA stage.
SEPP (Exempt and Complying Development Codes) 2008			✓	The SEPP may apply to future development of the Site.
SEPP (Infrastructure) 2007	✓			It is noted that any proposal/DA for the Site will require referral to the Roads & Maritime Services (RMS) in accordance with clause 104 (Traffic Generating Development) of the SEPP given its proximity to a classified road, being Woodville Road.
SEPP (State and Regional Development) 2011	✓			The future re-development of the Site may be deemed 'regional development' as the capital investment value is likely to be over \$30 million. To be determined at DA stage.
SEPP (Vegetation in Non-Rural Areas) 2017			✓	The number of trees on the Site is not substantial. Any proposed removal will be assessed at DA stage.
Sydney Harbour Catchment Regional Environmental Plan 2005			✓	The water quality of the catchment would be ensured through storm water controls in the <i>Parramatta DCP 2011</i> .

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

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

**Table 5 – Consistency with s.9.1 Ministerial Directions**

Ministerial Directions – Summary	Consistency
<b>1. Employment and Resources</b>	
1.1 Business and Industrial Zones	This direction applies to the Planning Proposal as it will affect land within an existing business zone. The Planning Proposal is considered to be consistent with this direction as the proposed zone and FSR controls would enable a higher

	<p>potential employment generating floor space than under current planning controls.</p> <p>As per the Hill PDA <i>Woodville Road, Merrylands Economic Assessment</i> (Dec 2018) submitted by the Proponent, the proposed development is expected to:</p> <ul style="list-style-type: none"> <li>result in employment growth through a net increase of 804 jobs on site (consistent with objective 1a); and</li> <li>result in a potential gain in floor space for employment uses (consistent with objective 1b).</li> </ul> <p>Although the development would result in a net loss in land zoned B6 for bulky goods employment, it would lead to an increase in employment generating uses through the retail and commercial component incorporated into the mixed use development to be zoned <i>B4 Mixed Use</i>. As per the economic assessment, the proposed development is also expected to generate +323 construction job years directly.</p> <p>The proposed rezoning would result in a potential gain in floor space for employment uses. With the Site currently vacant, the development proposes to include more than 8900 m<sup>2</sup> retail space anchored by a 4000 m<sup>2</sup> large format supermarket.</p>
<b>2. Environment and Heritage</b>	
2.1 Environmental Protection Zones	<p>The Site and surrounds are not zoned for environmental protection purposes nor are they identified as such in the <i>Parramatta LEP 2011</i>. The area is not currently identified on Council's LEP maps relating to Riparian Lands &amp; Waterways, Landslide Risk and Biodiversity. Accordingly, the environmental attributes of the Site are not considered significant enough so as to warrant the inclusion of site-specific provisions that facilitate the protection of any sensitive areas.</p>
2.3 Heritage Conservation	<p>The Site is not heritage listed. The future re-development of the Site at the suggested densities is not considered to have any adverse impacts upon the heritage listed buildings located within the Granville South Public School site. These buildings are along the Woodville Road frontage and are separated visually from the Site by a 7/11 service station, convenience store and a number of retail food outlets.</p>
<b>3. Housing, Infrastructure and Urban Development</b>	
3.1 Residential Zones	<p>This Direction applies to the Planning Proposal as it affects land within a zone where significant residential development is proposed.</p> <p>Part of the Site is already zoned for residential purposes. However, the Planning Proposal would achieve and promote many of the requirements contained in this direction (4a-d, 5a-5b), as follows:</p> <ul style="list-style-type: none"> <li>The Planning Proposal would broaden the current choice of building types in the local area/market. It would provide in the order of 250 residential dwellings comprising 1, 2 and 3 bedroom units.</li> <li>The Planning Proposal is expected to make efficient use of existing infrastructure and services, particularly in terms of sewer and water with any necessary Site amplifications to be investigated at DA stage.</li> <li>In terms of access, the Site is within walking distance of local bus (&lt;100m) and cycle distance to rail services (1.7 km to Merrylands Train Station and 1.8 km to Guildford Train Station) and can be accessed via the adjacent major arterial road corridor.</li> <li>The Site and surrounding residential areas including Woodville Road, Lansdowne Street and Highland Street are already serviced with sewer, water, power supply and telecommunications. This matter would be considered in greater technical detail at DA stage.</li> </ul>

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	<ul style="list-style-type: none"> <li>The Planning Proposal seeks to increase the permissible density over the subject land (not decrease it) and is therefore consistent with Direction 3.1.</li> </ul>
1.4 Integrating Land Use and Transport	<p>This direction applies to planning proposals that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p>A Planning Proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <ul style="list-style-type: none"> <li><i>Improving Transport Choice – Guidelines for Planning and Development</i> (DUAP 2001), and</li> <li><i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).</li> </ul> <p>The Site has limited public transport connectivity and is considered to be somewhat inconsistent with this direction. It is located outside the reasonable walking catchment (800m) to the nearest train stations at Merrylands (1.7 km walking distance) and Guildford (1.8 km walking distance). However, the Site is within 100 metres of a bus stop, with one bus service running along Woodville Road between Parramatta and Bankstown 7 days per week, generally at 30 minute intervals.</p> <p>The <i>Draft Woodville Road Strategy</i> recognises the potential for the area to provide an increase in housing choice in an infill area in close proximity to a number of local centres. The aim of the strategy is to create a neighbourhood centre at the Site, which is expected to act as a potential catalyst for the renewal of the Woodville Road corridor.</p> <p>Due to the availability of current transport options, the strategic importance of the Site to the renewal of the Woodville Road corridor and the Site being ideally located to take advantage of any future transport enhancements, it is considered that any inconsistency with this Direction is of minor significance. The Gateway Determination also concurred that this inconsistency is of a minor significance.</p>
<b>4. Hazard and Risk</b>	
4.1 Acid Sulphate Soils	<p>This Planning Proposal is considered to be inconsistent with this direction as an acid sulfate soils study, required when an intensification of land uses is proposed, has not been prepared. This inconsistency is considered to be of minor significance given that:</p> <ul style="list-style-type: none"> <li>The Site is subject to a Class 5 Acid Sulfate Soils classification; and</li> <li>The matter will be further considered at DA stage under clause 6.1 of the <i>Parramatta LEP 2011</i>.</li> </ul>
4.3 Flood Prone Land	The Site is not known to be flood affected.
4.4 Planning for Bushfire Protection	The Site does not adjoin bushland, nor is it known to be adversely affected by bushfire hazards.
<b>6. Local Plan Making</b>	
6.1 Approval and Referral Requirements	The Planning Proposal does not propose any such provisions listed in Direction 6.1.
6.2 Reserving Land for Public Purposes	No new reservations are proposed, nor are they proposed to be reduced by the Planning Proposal. However, the proposed intersection design at Lansdowne Street and the widening of Woodville Road to accommodate an additional lane

	<p>would require a widening of the road reservation. This would become the subject of future discussion and assessment by both Council and the RMS.</p> <p>The Park is proposed to be dedicated to Council as part of a VPA and will not be identified on the Land Reservation Acquisition Map.</p>
6.3 Site Specific Provisions	<p>The Planning Proposal proposes the introduction of a site-specific clause to exclude wintergardens in apartments fronting Woodville Road from being included in the calculation of Gross Floor Area. Overuse of this provision would be addressed by ensuring that the area of the wintergarden to be excluded from the calculation of FSR is equal to the minimum balcony area required under the <i>Parramatta 2011</i> controls.</p> <p>As the inclusion of a wintergarden component in the Planning Proposal is considered to be advantageous to address air quality issues along Woodville Road, it is considered that the use of a site-specific clause can be justified in this instance as of minor significance.</p>

### **3.3 Section C - Environmental, social and economic impact**

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

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

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

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

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

##### ***Heritage***

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

##### ***Contamination***

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



***Construction and Noise Impacts***

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

Development facing Woodville Road is likely to be affected by noise and air pollution due to the high volume of traffic along the Woodville Road corridor. Controls have been included in the draft DCP for development facing Woodville Road to ensure adequate air quality and noise abatement measures. A 10m setback along Woodville Road with the planting of trees and shrubs within this setback and an upper-level setback of 6m is also expected to improve the amenity of the Woodville Road corridor for both residents and the wider community.

***Flooding, Water and Energy Use***

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

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

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

The proposed rezoning would result in the following community benefits:

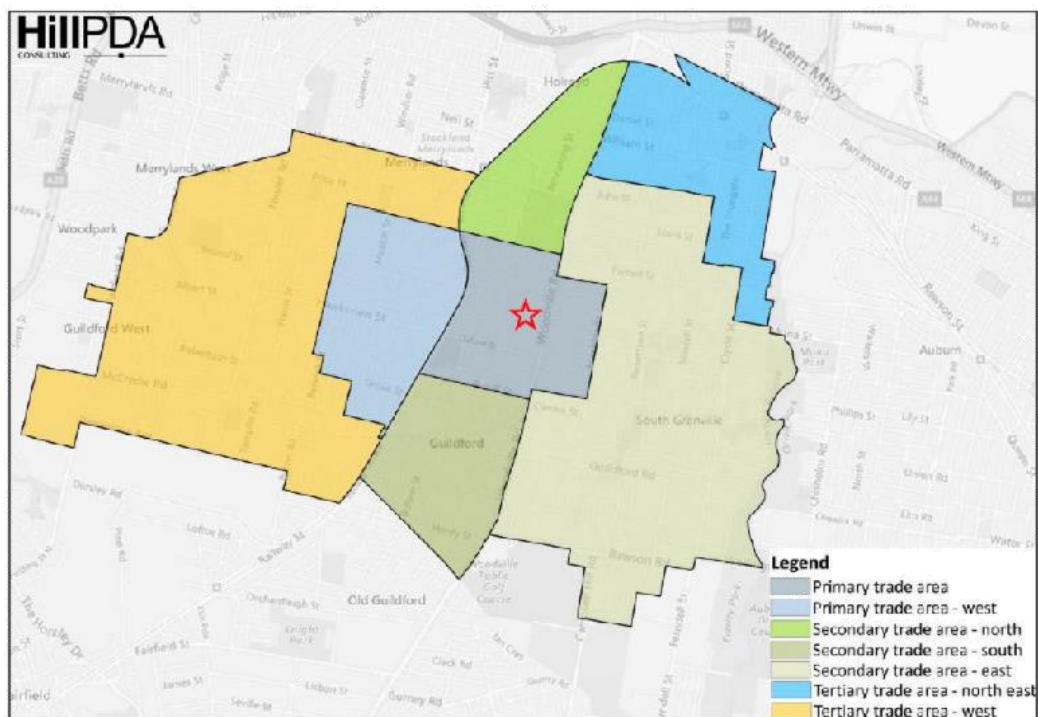
- Creation of local employment opportunities, with a projected 323 jobs created during construction, and a further 804 when operational.
- Provision of a 2000m<sup>2</sup> Central Park along Highland Street surrounded by active uses and connected to the new development by streets internal to the Site.
- Potential provision of a mix of dwelling types to cater for different age and income groups in Cumberland, including housing suited to smaller households.
- Provision of over 8000m<sup>2</sup> of retail outlets anchored by a large format supermarket, widening the retail offer for residents and the neighbouring community.
- Reduced car trips by providing increased population density within walking proximity to a bus stop, school and planned neighbourhood retail centre.
- A 10m deep soil setback along Woodville Road with the planting of trees and shrubs within this setback to green the corridor.
- A neighbourhood centre with a complementary mix of uses located close to amenities and services will create opportunities for both formal and informal social/community interaction, thereby strengthening overall community resilience and cohesion.

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

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

### ***Economic***

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



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

Hill PDA's *Merrylands Woodville Road Economic Impact Assessment* (December 2018) submitted by the Proponent found there are considerable economic benefits of amending the zoning on the Site. The likely primary trade area (PTA East) of the railway line is a walkable catchment of 500m to 800m. The PTA East comprises the geographic area generally bounded by Claremont Street and Granville Park to the north, Woodville Road and Excelsior Street to the east and Bursill Street to the south and the railway line to the west. Retail facilities at the Site would capture a majority proportion of everyday food and grocery shopping, as well as top-up shopping, from residents in this area. This is an area of 4,029 people that is expected to increase to 5,979 people by 2031 (Figure 3).



The Planning Proposal also offers the most proximate alternative for food and grocery shopping for Merrylands residents west (PTA West) of the railway line using private motor vehicle. PTA West extends 900m west of the Railway line to Chetwynd Road, north to St Anne Street and south to Guildford Road West. It also includes parts of Merrylands and Guildford. This is an area of 5,853 people that is expected to increase to 6,671 people by 2031 (Figure 3).

The Planning Proposal is also likely to have secondary trade areas (STA) and tertiary trade areas (TTA). An STA is likely to capture a minor proportion of food and grocery related expenditure.

The total trade area (PTA, STA and TTA combined) is an area of 66,845 people expected to increase to 87,886 by 2031, a growth in population of approximately 21,000 persons or 31% between 2017 and 2031. This is a wide area with only one full line supermarket being the Woolworths store in Granville.

Hill PDA estimates demand for more than 12,000 m<sup>2</sup> of retail space in the PTA East by 2021. This is expected to increase to 16,400 m<sup>2</sup> by 2031. More than 80% of this demand is in food services including supermarket space. With an estimated 2,200 m<sup>2</sup> existing supply, being the ALDI food store and several fast food outlets, there is ample demand for additional retail space. Growth in expenditure in the wider main trade area (MTA) will generate demand for an additional 52,000 m<sup>2</sup> of retail floor space from 2017 to 2031.

Existing centres in the locality will enjoy growth in retail trade due to growth in population and expenditure in the wider trade area. All centres will experience an increase in trading levels from 2018 to 2023 with or without the proposed centre on Woodville Road. On this basis, the trading impacts of the proposed centre would be acceptable. The proportion of growth in expenditure captured by the new centre is well within acceptable limits enabling other centres to share some of that growth. The proposed neighbourhood centre would therefore not threaten the role, function or commercial viability of any existing centre.

The Planning Proposal would lead to a net increase in jobs (+769 jobs), workers remuneration (+\$24.9m), and gross value-added or (contribution to GDP) (\$35.6m). Construction would generate additional economic activity (+\$486m), 323 job years directly in construction and a further 958 job years through production and consumption induced multiplier impacts.

Following full development in 2023, the PTA will house almost 11,000 people, which in itself will warrant a full-line supermarket based shopping centre (generally considered to be around 9,000 to 10,000 residents). From 2018 to 2026, the MTA will house an additional 11,700 people meaning that the proposed centre is responding to growth as well as responding to a current undersupply of supermarket space.

The provision of a centre at the Site would widen the retail offer for residents in the trade area and serve the growing community in the Merrylands Guildford area. The neighbourhood centre would also provide a shopping destination and would contribute towards ensuring Merrylands is a desirable and sustainable place in which to live, work and shop.

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

#### *Land Use Planning*

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



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

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

Merrylands West and Guildford local centres, however, are comprised of small lots under fragmented ownership that would require significant site amalgamation to support any significant uplift in density. As the Site is large, with the majority under single ownership (2.6 ha out of 2.84 ha), it offers an opportunity to provide higher density with a greater design outcome.

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

### ***FSR Assessment***

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

**Table 6 – FSR Scenarios for the Site to Gateway**

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

Following Gateway Determination, modelling and site testing was undertaken by Cumberland Council and the revised concept master plans submitted by the Proponent were considered in the process of developing the DCP to determine the suitability of an FSR of 2:1.

On the basis of this modelling and further consideration of the Planning Proposal after the Post-Gateway exhibition, the FSR for the Site identified in the Gateway Determination was recommended to be revised as follows (Table 7), primarily to achieve a more appropriate transition of development type and scale to the surrounding lower density development.

**Table 7 – Proposed Amendment to the Planning Proposal**

<b>Gateway Determination (24 June 2016)</b>	<b>Proposal Resolved by Council at 18 July 2018 meeting</b>
FSR 2:1	Part 2.4:1 (eastern part of Site) Part 1.5:1 (western part of Site)
It is also recommended that the zone and maximum building height be amended as follows:	
Zone: <i>B4 Mixed Use</i>	Part B2 Local Centre (eastern part of Site) Part R4 High Density Residential (western part of Site)
Maximum height: 31m	Part 31m (eastern part of Site) Part 24m (western part of Site)

The Site was subsequently sold around mid-2018, however, and the Proponent submitted an amended concept scheme on 24 December 2018 proposing a reduction in the residential component and a proposed increase in the commercial/retail component. To enable the amended



concept scheme, the Proponent requested the planning controls to revert to that provided for in the 24 June 2016 Gateway Determination.

Council staff considered the merit of this request and recommended to Council at its 20 February 2019 meeting (See Attachment 7) an alternative approach for Council's consideration: *B2 Local Centre* with a maximum building height of 31 metres and an FSR of 2:1 across the Site, and *RE1 Public Recreation* for the Public Park. The report to Council also made recommendations about corresponding amendments to the site-specific controls in the draft DCP.

Council at that meeting resolved to proceed with the following controls for the site, as outlined in the Gateway Determination of 24 June 2016: *B4 Mixed Use* zone with a maximum building height of 31m and maximum FSR of 2:1 across the Site; and to forward the Planning Proposal to the DPE, subject to the negotiation of a planning agreement to the satisfaction of Council prior to finalisation. Council also resolved to amend the DCP controls '4.1.12 Woodville Road Neighbourhood Centre Precinct' of the *Parramatta DCP 2011* to reflect the amended proposal (See Attachment 8). These amendments are currently being made.

### ***Urban Design***

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

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

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

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

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

Further amendments are being made to the DCP post Council's resolution to proceed with the controls for the Site as outlined in the Gateway Determination.

Urban design considerations that will be addressed through the draft DCP are outlined as follows in Table 8:

**Table 8 – Urban design considerations**

Urban design consideration	How it will be addressed in the DCP
The context of the overall Site as part of an emerging strip centre and as part of a wider neighbourhood centre.	<ul style="list-style-type: none"> <li>• Deep soil setback of 10m along Woodville Road to allow future road and carriageway widening.</li> <li>• Internal roads to connect the Site internally and with the surrounding road network.</li> <li>• Entry into the Site via Woodville Road only permissible via a proposed signalised intersection at Lansdowne Street.</li> </ul>
Vibrant, pedestrian friendly, self-sufficient neighbourhood centre	<ul style="list-style-type: none"> <li>• Establishment of a Public Park, retail and commercial centre, and residential development.</li> <li>• Over 8000 m<sup>2</sup> of retail floor space, which is anticipated to be anchored by a large format supermarket.</li> <li>• Active street frontage along the new street, and next to the Public Park.</li> <li>• Quality public spaces and amenities.</li> <li>• Adequate footpath widths along the active street frontage and adequate street setback along other streets.</li> <li>• Requirement for a public domain concept plan for all applications involving new roads and the Public Park to be submitted during the DA stage.</li> </ul>
Human-scale design  Transition in scale between key development site and lower scale residential development	<ul style="list-style-type: none"> <li>• Varying heights through the Site with tallest buildings (9 storeys) along Woodville Road, 7 storey buildings in the middle of the Site, and 4 storey buildings along Lansdowne Street.</li> <li>• Street wall height of two storeys along internal streets and a street wall height of two storeys along Woodville Road.</li> <li>• Upper level setbacks of 6m for development within the Site and an upper level setback of 6m for development facing Woodville Road.</li> </ul>
Quality open space	<ul style="list-style-type: none"> <li>• Park to be a minimum of 2000 m<sup>2</sup> and fully embellished.</li> <li>• 85% to be deep soil planting zones.</li> <li>• More than 50% of the Park to receive direct sunlight between 12pm and 2pm during the winter solstice.</li> </ul>
Visual interest in the built form	<ul style="list-style-type: none"> <li>• Various controls on how to achieve architectural diversity, building elements, maximum linear length of the building.</li> </ul>
Traffic and parking	<ul style="list-style-type: none"> <li>• Preferred vehicle entries denoted in the draft DCP.</li> <li>• Requirement for a detailed traffic study to be submitted with any DA for the Site.</li> </ul>

### ***Traffic Engineering and Site Access***

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



**Figure 5 – Proposed signalised intersection at Lansdowne Street.**

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

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

In terms of accessing the Site, the *John Cootes Site 246-264 Woodville Road, Merrylands Transport Impact Assessment (Transport Impact Assessment)* prepared by GTA (for the Proponent) on 9 October 2015 was for an indicative development yield comprising approximately 590 residential apartments set above 8,400 m<sup>2</sup> GFA of lower level non-residential land uses. The current concept scheme submitted by the Proponent estimates approximately 256 residential apartments set above two storeys of 25,000 m<sup>2</sup> GFA of commercial, community and recreational land uses. The commercial land uses, and in particular the retail land uses, is expected to generate significantly more traffic movements than the residential component, and therefore a requirement has been included in the draft DCP for a traffic study to be submitted that identifies and addresses traffic generation issues associated with the overall development of the Site.

Council's engineers have also raised concerns in regards to the methodology used in the transport impact assessment submitted by the Proponent in which modelling of Lansdowne Street/Woodville Road and Oxford Street/Woodville Road have been undertaken in isolation and not as a network. The traffic generation rate of 4.6 vph/100sqm for the residential component of the proposal is also lower than the RMS guidelines of 5.6 vph/100sqm, and the report does not explain how this generation rate was derived. These have been added as a



requirement in the draft DCP, for any future traffic studies that are a requirement for DAs lodged for the Site or part therefore, to identify and address traffic generation issues associated with the overall development of the Site.

*The Transport Impact Assessment* prepared by GTA also only addressed issues of traffic generation, but did not consider issues of detailed design around the functioning of loading bays and how commercial deliveries would be undertaken. The Proponent's latest concept scheme submitted on 24 December 2018 indicates the loading bay entry to be located along Lansdowne Street with the car park entry to be located along the new, internal street within the Site. This is considered to be appropriate as it minimises conflict between commercial and private vehicles.

### **3.4 Section D - State and Commonwealth Interests**

#### **3.4.1 Is there adequate public infrastructure for the Planning Proposal?**

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

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

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

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

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

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

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

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

to be incorporated into a planning agreement between the applicant and Council. The RMS also noted that any proposed staging plan should be supported by appropriate traffic analysis.

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

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

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

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

## PART 4 - MAPPING

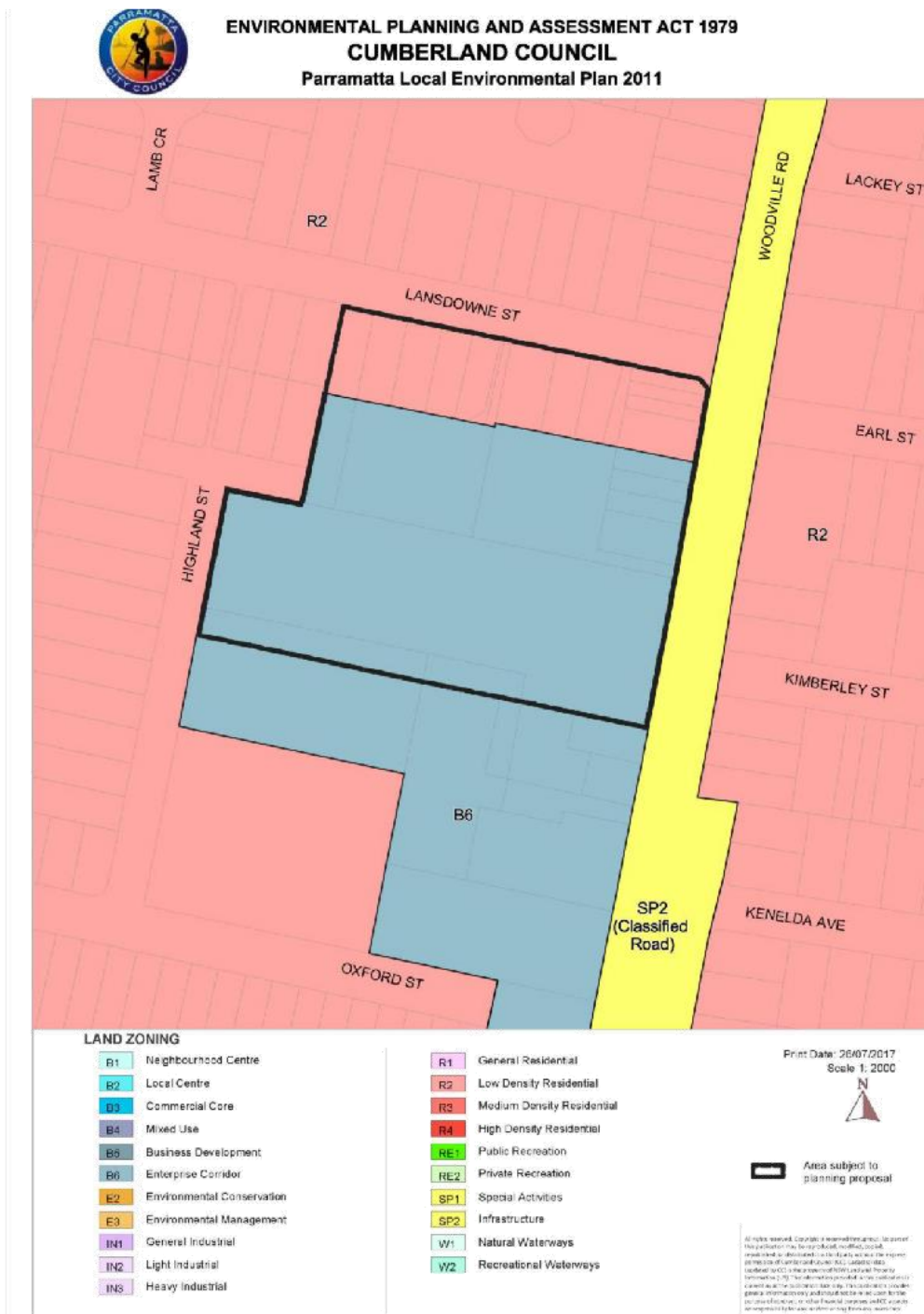
This section contains the mapping for this Planning Proposal in accordance with the DP&E's guidelines on LEPs and Planning Proposals.

### 4.1 Existing controls

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

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

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



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

Figure 6 above illustrates the existing part *B6 Enterprise Corridor* and part *R2 Low Density Residential* zone applying to the Site.

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

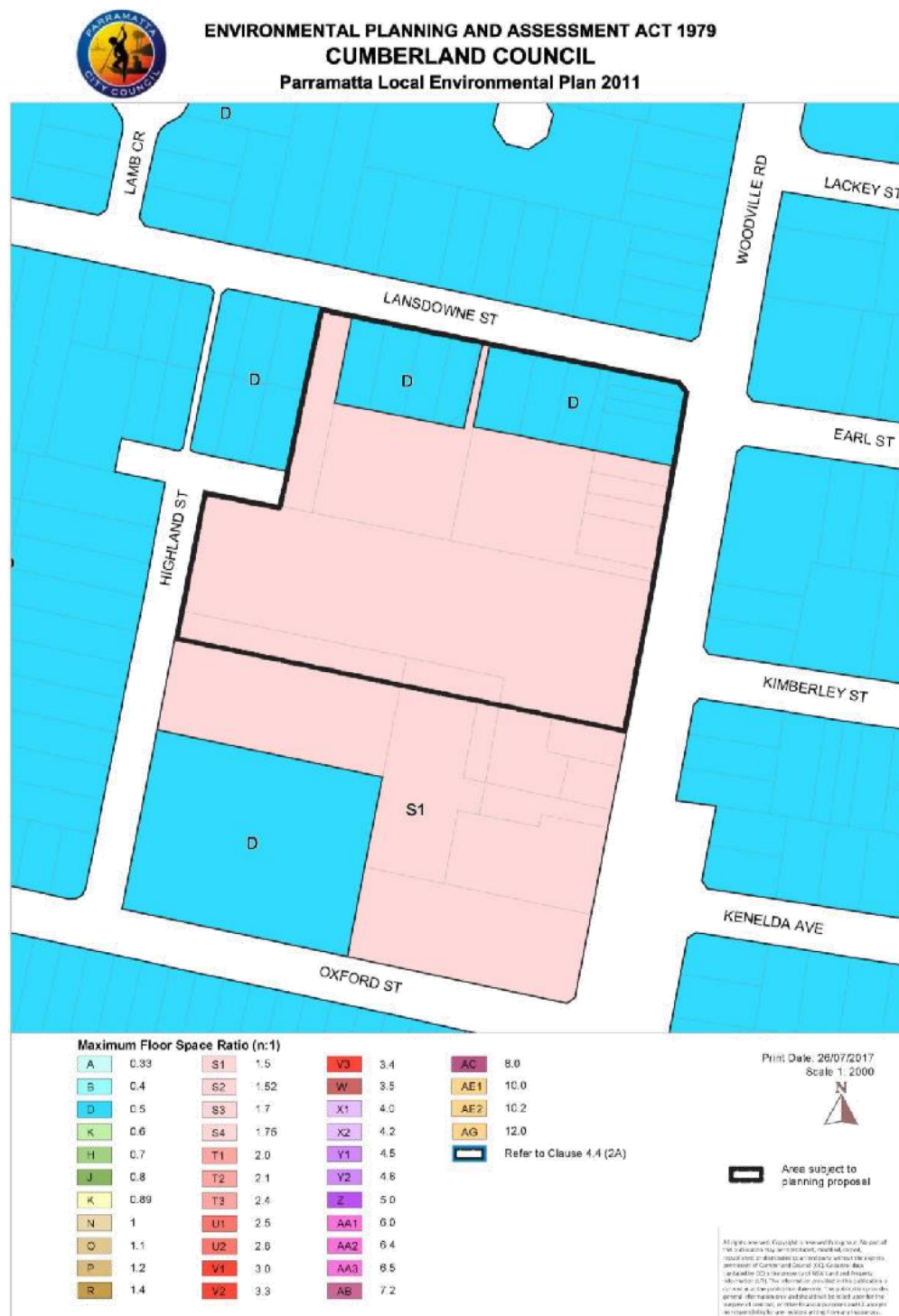


**Figure 7 - Existing building heights, Parramatta LEP 2011 Height of Buildings Map**

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



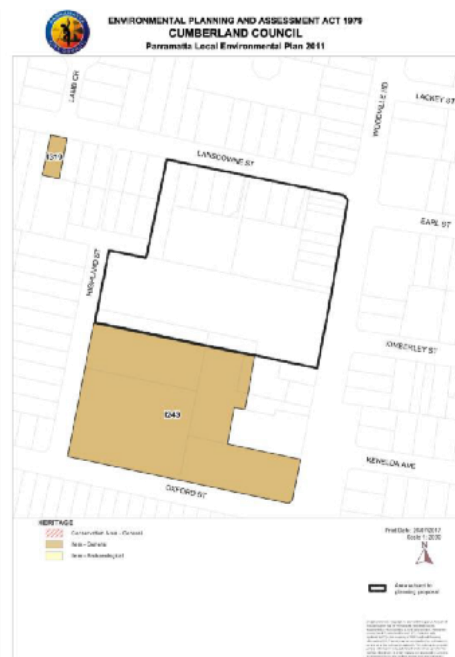
Planning Proposal – 244, 246-264 Woodville Rd, 2-4, 6, 8-8a, 10-12, 14-16 Lansdowne St, & 19 Highland St, Merrylands



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

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

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



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

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



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

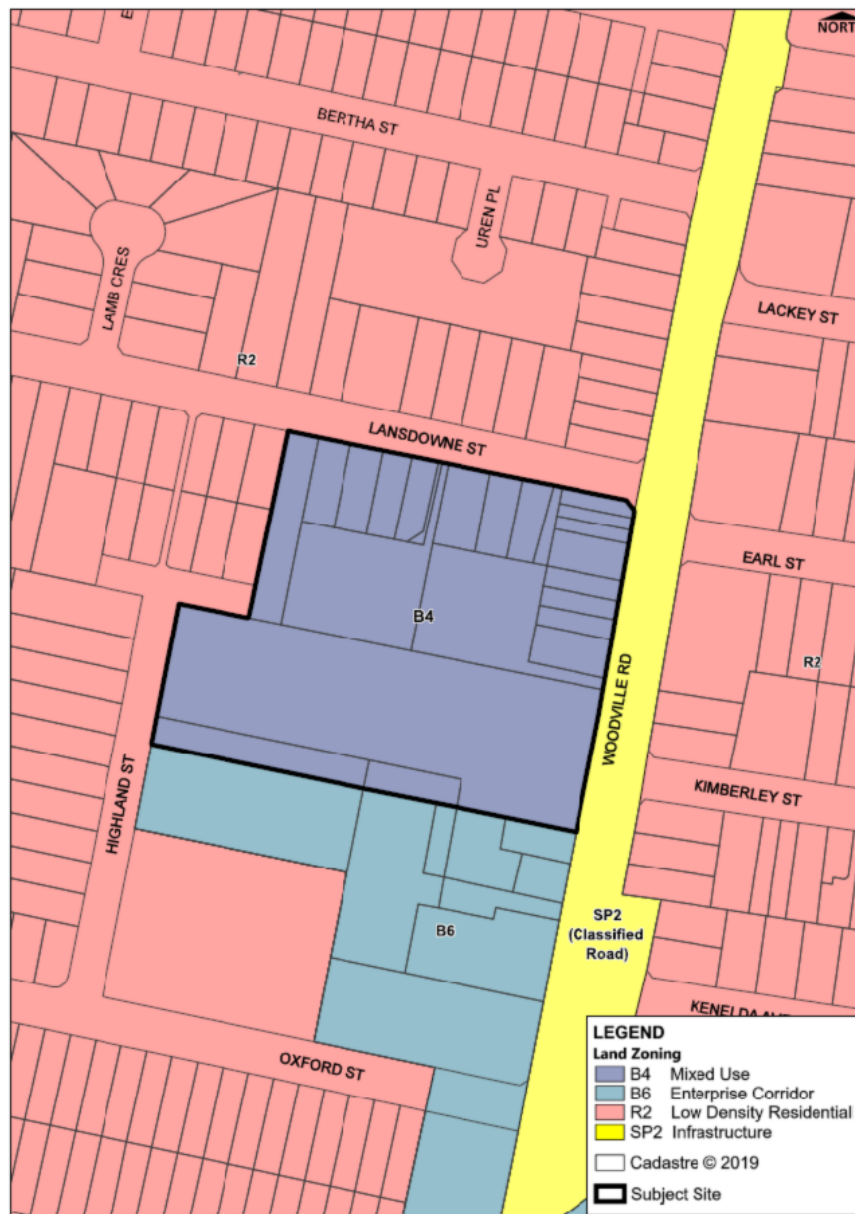
Figure 10 above illustrates the flooding extent in the vicinity of the Site.



## 4.2 Proposed controls

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

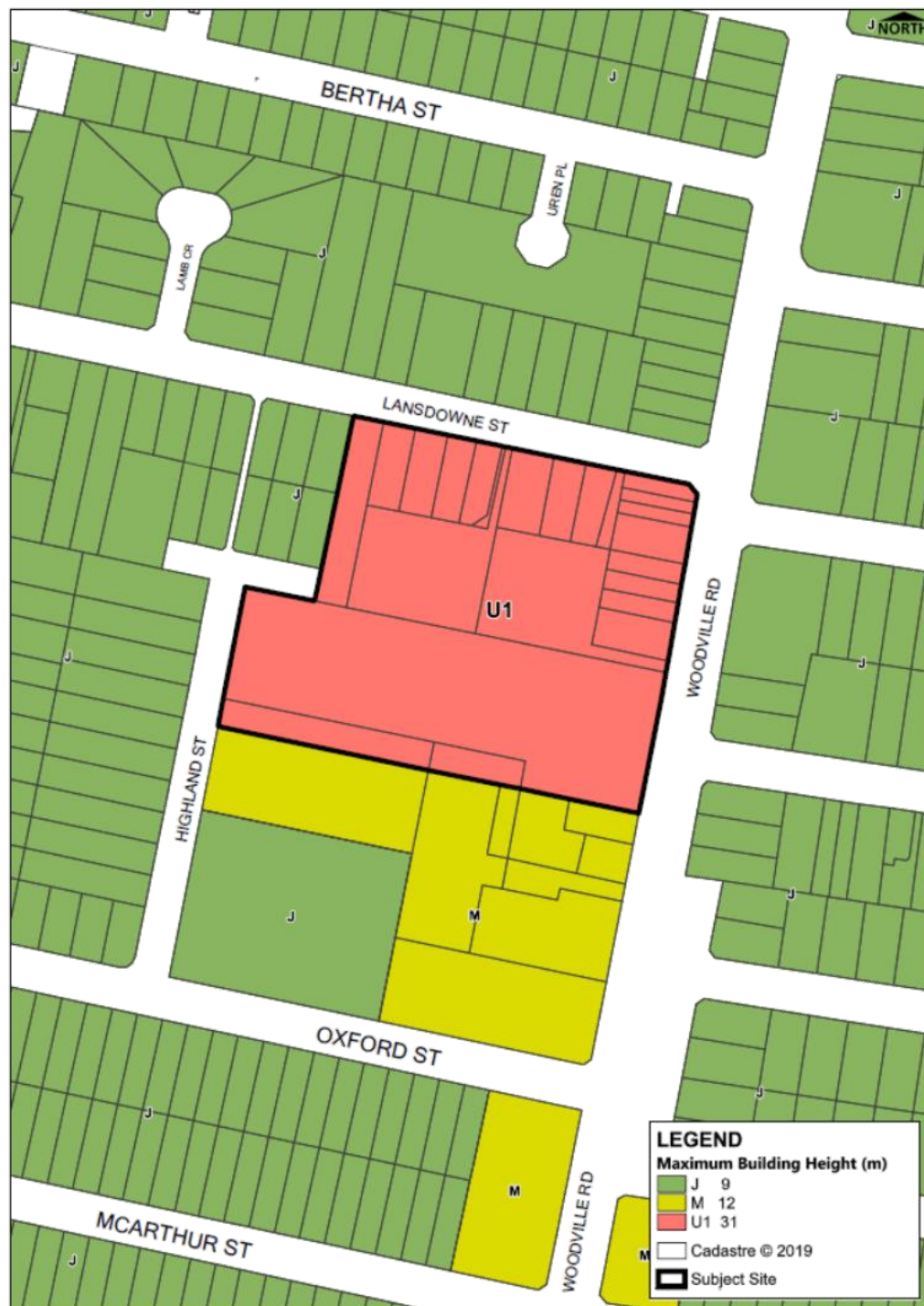
- Figure 11 illustrates the proposed zoning for the Site.
- Figure 12 illustrates the proposed maximum building height.
- Figure 13 illustrates the proposed FSR for the Site.



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

Figure 11 above illustrates the proposed *B4 Mixed Use* zone.

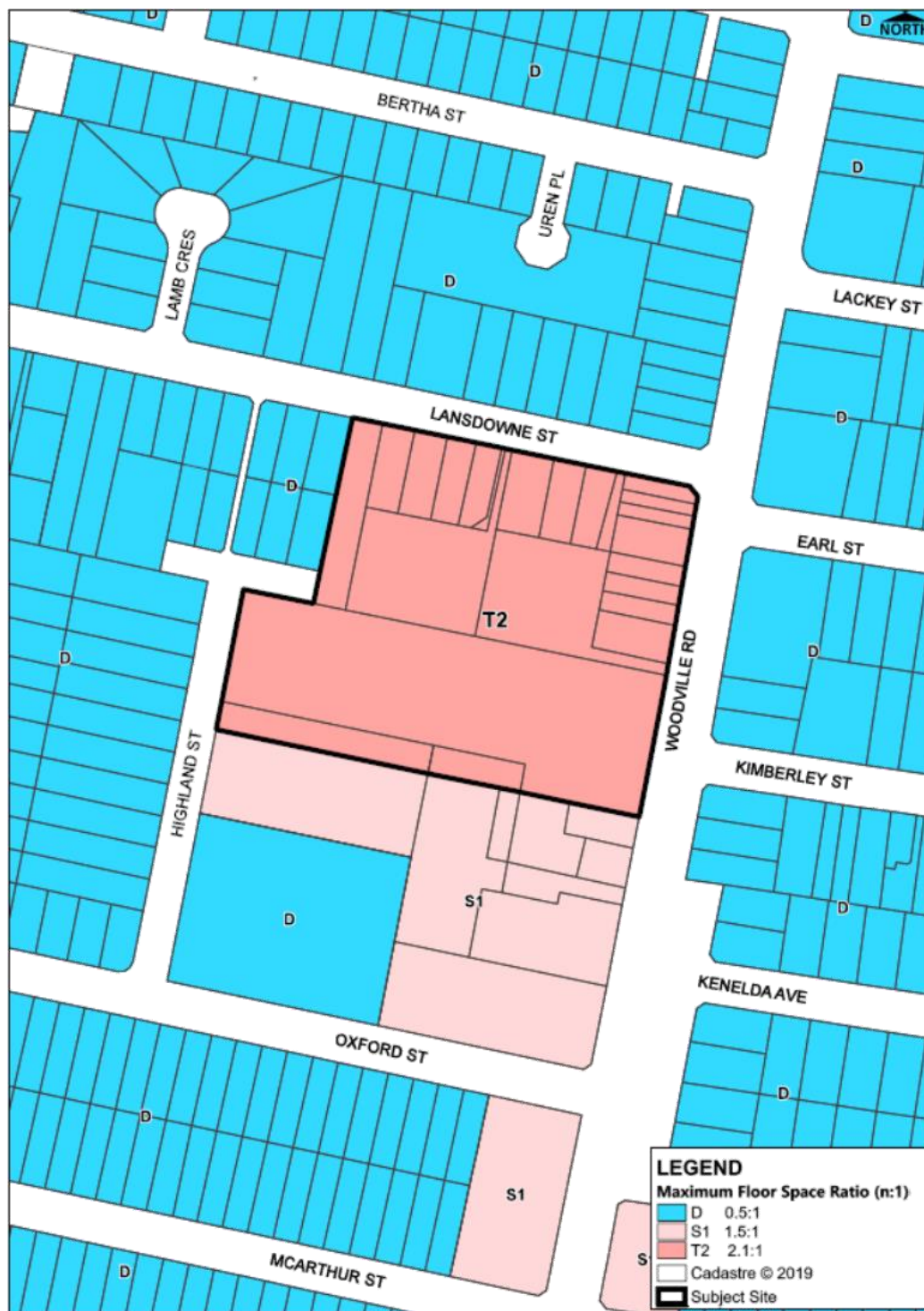
Planning Proposal – 244, 246-264 Woodville Rd, 2-4, 6, 8-8a, 10-12, 14-16 Lansdowne St, & 19 Highland St, Merrylands



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

Figure 12 above illustrates the proposed maximum building height of a maximum of 31m (approximately 9 storeys) across the Site.

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



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

Figure 13 above illustrates the proposed FSR of 2:1 for the Site.



## PART 5 - COMMUNITY CONSULTATION

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

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

Overlooking into the School property will be minimised through controls that have been added into the draft DCP relating to the orientation and design of buildings adjoining the School boundary. The proposed deep soil setback will also allow medium sized trees (with a minimum 6-8 metres mature height) with an understorey of shrubs (1.5m – 3m) and ground cover to be grown.

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

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

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

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

Issues raised by the Proponent on the draft DCP have been considered throughout this Planning Proposal.

## **PART 6 - PROJECT TIMELINE**

An alteration to the Gateway has been approved by the DPE with a revised date for completion of 1 October 2019.

Date of Gateway	24 June 2016
Date of Public Exhibition	15 January 2018 – 1 March 2018
Request for Amended Gateway	11 March 2019
Timeframe for Completion of Planning Agreement	March – April 2019
Public Exhibition of VPA	May – June 2019
Consideration of submissions and additional consultation with Government Agencies	May – June 2019
Timeframe for consideration of the Planning Proposal post exhibition (Report to Council)	July – August 2019
Submission to Department for Finalisation	September 2019
Plan amendment made	October 2019

Item No: C08/19-176

## **AUBURN TOWN CENTRE - PLANNING CONTROLS STRATEGY**

Responsible Division: Environment & Planning  
Officer: Director Environment & Planning  
File Number: S-5740-02  
Community Strategic Plan Goal: *A resilient built environment*

### **SUMMARY**

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This report outlines the recommended planning controls strategy for the Auburn Town Centre. This approach supports better built form design outcomes that will contribute to the quality of amenity and public domain in the area.

The proposed planning controls include:

- changes to maximum heights in some precincts within the town centre, to allow for improved building design while maintaining the existing floor space ratios at these precincts
- change in zoning, height and floor space ratio in part of one precinct, to better support the activation of Auburn Town Centre at this location

The recommended planning controls for the Auburn Town Centre are supported by the Cumberland Local Planning Panel.

Subject to endorsement, the recommended planning controls will be included in the planning proposal for the new Cumberland Local Environmental Plan (LEP).

### **RECOMMENDATION**

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**That Council:**

- 1. Endorse the proposed planning controls for the Auburn Town Centre as outlined in Attachment 1, which are supported by the Cumberland Local Planning Panel; and**
- 2. Note that the above item will be included in the planning proposal for the new Cumberland Local Environmental Plan.**



## REPORT

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### ***Background***

Council has undertaken work on a planning controls strategy for the Auburn Town Centre. The primary focus of this work is to better align the planning controls related to zoning, height and floor space ratios, which enables a broader range of building design options to be realised. This approach provides better opportunities for innovation in the built form of these town centres, and contributes to the quality of amenity and public domain within the Cumberland area.

A chronology of the work undertaken on the planning controls strategy for Auburn Town Centre is provided in Table 1. Further background information from previous Council and Independent Hearing and Assessment Panel reports are provided in Attachments 3 and 4.

Former Auburn City Council	
2014 - 2015	Resolutions to increase heights in Auburn Town Centre.
2015 - 2016	Preliminary Consultant work
Cumberland Council	
May 2016	Council amalgamation – review of planning controls placed on hold
September- October 2016	Internal work to finalise draft Strategy
November 2016	Report to IHAP recommending exhibition of draft Strategy
December 2016	Report to Council. Resolution to exhibit (Administrator)
7 Feb – 8 March 2017	Exhibition of draft Strategy
2017 – 2019	Analysis of issues raised in submissions and review of draft Strategy
April 2019	Report to Council on proposed planning controls
June 2019	Report to CLPP recommending proposed controls in Strategy
August 2019	Report to Council on proposed planning controls

**Table 1: Chronology of planning controls strategy for Auburn Town Centre**

### ***Council Meeting 17 April 2019***

The planning controls strategy for the Auburn Town Centre was presented to Council on 17 April 2019. At the meeting, Council resolved a number of further items to be progressed prior to reporting again to Council. The items and status are provided in Table 2.

<b>Resolution</b>	<b>Status</b>
Council hold a workshop to consider the effect of any design excellence provision to be included in the Cumberland Local Environmental Plan on proposed planning controls for the Auburn and Lidcombe Town Centres	Opportunities for design excellence provisions for Auburn and Lidcombe town centres discussed at Councillor briefing on 10 July 2019
In accordance with Council resolution 21.12.16, the Draft Auburn and Lidcombe Town Centres Strategy and submissions received by reported to the Cumberland Local Planning Panel for consideration and recommendation to Council	Strategy considered by Cumberland Local Planning Panel on 20 June 2019 and advice provided for consideration to Council  Panel advice as a clarification on opportunities for design excellence bonuses received on 12 August 2019
A site visit of the Auburn Town Centre and a site visit of the Lidcombe Town Centre be held with reference to the draft strategy	Site visit of town centres held on 29 June 2019
The Auburn Town Centre Strategy and the Lidcombe Town Centre Strategy be reported to Council separately	Separate reports to be provided to Council. This report covers the recommended planning controls strategy for the Auburn Town Centre

**Table 2: Status of Items following Council Resolution in April 2019**

### ***Planning Controls Strategy for Auburn Town Centre***

This work considered the planning controls for a number of precincts in the Auburn Town Centre, as outlined in Figure 1. A range of public submissions were received and considered for the various precincts in the town centre. Council has also reviewed development applications and building construction activity in the town centre since the public consultation period to ensure that the recommended planning controls respond to the current built form in the town centre.



- changes to maximum heights in Precincts 1, 2, 3, 9, 11, 12, 13, 14, 16a and 18, to allow for improved building design while maintaining the existing floor space ratios at these precincts; and
- change in zoning, height and floor space ratio in part of Precinct 17, to better support the activation of Auburn Town Centre at this location.

No further changes to planning controls in the Auburn Town Centre are proposed in this report.

***Cumberland Local Planning Panel***

The Cumberland Local Planning Panel met on 20 June 2019 to consider this matter, consistent with Council's resolution of April 2019. Council officers subsequently sought advice from the Panel as a clarification on opportunities for design excellence bonuses on 12 August 2019. The report to the Panel and their advice is provided as Attachment 3.

The advice of the Panel was carefully considered in preparing the proposed planning controls for the Auburn Town Centre. The recommended planning controls outlined in the report are supported by the Panel. Opportunities for design excellence bonuses in the town centre will be considered as a separate stage of work following the completion of the new Cumberland Local Environmental Plan.

The Panel also provided a range of future suggestions regarding potential planning controls in the area. This will also be considered as part of the separate stage of work following the completion of the new Cumberland LEP.

### ***Next Steps***

Subject to endorsement, the proposed planning controls will be included in the planning proposal that is being prepared for the new Cumberland LEP. The planning proposal will be provided for consideration by Council prior to seeking a Gateway Determination by the Department of Planning, Industry and Environment. This is required to be undertaken by the end of September 2019.

## **COMMUNITY ENGAGEMENT**

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The draft Strategy was exhibited from 7 February 2017 to 8 March 2017. Two public information evening sessions were held during the exhibition: one at the Lidcombe Community Centre (20 February 2017); and one at Council's Auburn Administration Centre (23 February 2017).

A total of 52 submissions were received, including:

- 16 submissions and 1 petition (29 signatures) generally objecting to the draft Strategy;
- 13 submissions (including 10 form letters) in support of the draft Strategy; and
- the remainder raising various issues and comments.

Key items raised included feedback on the proposed planning controls, infrastructure availability and built form interfaces with existing land uses. Further information is included in Attachment 4.

Subject to Council endorsement, further consultation on the recommended planning controls for the Auburn Town Centre will be undertaken in early 2020 as part of the new Cumberland LEP.

## **POLICY IMPLICATIONS**

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

## **RISK IMPLICATIONS**

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There are minimal risk implications for Council associated with this report. The primary focus of this work is to better align planning controls for Auburn Town Centre that can enhance design and built form outcomes. The introduction of the Cumberland Design

Excellence Panel at the development application stage will further mitigate risks in achieving these outcomes.

## FINANCIAL IMPLICATIONS

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There are minimal financial implications for Council associated with this report. The primary focus of this work is to better align planning controls for Auburn Town Centre that can enhance design and built form outcomes.





## CONCLUSION

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This report outlines the recommended planning controls strategy for the Auburn Town Centre to support better built form design outcomes that will contribute to the quality of amenity and public domain in the area. These recommendations are supported by the Cumberland Local Planning Panel. Subject to endorsement, the recommended planning controls will be included in the planning proposal for the new Cumberland LEP.

## ATTACHMENTS

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1. Recommended Planning Controls for Auburn Town Centre [↓](#) 
2. Chronology of proposed planning controls for the Auburn Town Centre Planning Controls Strategy [↓](#) 
3. CLPP Report (20 June 2019) and Panel Advice (20 June 2019 and 12 August 2019) [↓](#) 
4. Council Report and Minutes on Auburn and Lidcombe Town Centres Planning Controls Strategy (17 April 2019) [↓](#) 





**DOCUMENTS  
ASSOCIATED WITH  
REPORT C08/19-176**

**Attachment 1  
Recommended Planning Controls  
for Auburn Town Centre**



Precinct (refer to precinct maps for precinct boundary details)	Existing Controls ALEP 2010	Recommended controls (August 2019)
<b>Precinct 1</b> Auburn Road, Mary Street, Harrow Road, Queen Street 	Zoning: B4 Mixed Use FSR: 5:1 Height: 49m	Zoning: B4 Mixed Use FSR: 5:1 Height: 60m
<b>Precinct 2</b> Park Road, north of Mary St, Harrow Road 	Zoning: B4 Mixed Use FSR: 5:1 Height: 38m	Zoning: B4 Mixed Use FSR: 5:1 Height: 60m; NE corner 49m
<b>Precinct 3</b> South of Mary St, Harrow Road, Sudan Street, Kerr Parade 	Zoning: B4 Mixed Use FSR: 5:1 Height: 38m	Zoning: B4 Mixed Use FSR: 5:1 Height: 55m
<b>Precinct 9</b> Harrow Road, north of Beatrice Street, Susan Street 	Zoning: B4 Mixed Use FSR: 5:1 Height: NW corner 36m, remainder 38m	Zoning: B4 Mixed Use FSR: 5:1 Height: NW corner 55m, remainder 45m
<b>Precinct 11</b> Kerr Parade, Marion Street, Queen Street 	Zoning: B4 Mixed Use FSR: 3:1 Height: 27m	Zoning: B4 Mixed Use FSR: 3:1 Height: 32m
<b>Precinct 12</b> Station Road, Kerr Parade, Auburn Road 	Zoning: B4 Mixed Use FSR: 2.4:1 Height: 18m	Zoning: B4 Mixed Use FSR: 2.4:1 Height: 27m
<b>Precinct 13</b> northern side of Rawson Street and west of Station Road 	Zoning: B4 Mixed Use FSR: 5:1 Height: 38m	Zoning: B4 Mixed Use FSR: 5:1 Height: 55m
<b>Precinct 14</b> Mid-block between Macquarie and Northumberland Roads 	Zoning: B4 Mixed Use FSR: 5:1 Height: 38m	Zoning: B4 Mixed Use FSR: 5:1 Height: 55m
<b>Precinct 16</b> <b>16a (north)</b> north of Rawson Street 	<b>16a (north)</b> Zoning: B4 Mixed Use	<b>16a (north)</b> Zoning: B4 Mixed Use
	FSR: 3.6:1	FSR: 3.6:1
	Height: 32m	Height: 38m

Precinct (refer to precinct maps for precinct boundary details)	Existing Controls ALEP 2010	Recommended controls (August 2019)	
<b>Precinct 17</b> Station Road/Hall Street/Holliday Lane 	<b>Zoning:</b> R4 High Density Residential <b>FSR:</b> 1.7:1/2:1 corners <b>Height:</b> 18m/20 corners	<b>Holliday Lane-            Station Street</b> <b>Zoning:</b> B4 <b>FSR:</b> 3.6:1 <b>Height:</b> 25m	<b>Holliday Lane-            Dartbrook Rd</b> <b>Zoning:</b> R4 <b>FSR:</b> 2:1 <b>Height:</b> 20m
<b>Precinct 18</b> Macquarie Road, Hall Street, Station Road 	<b>Zoning:</b> B4 Mixed Use <b>FSR:</b> 3.6:1 <b>Height:</b> 32m	<b>Zoning:</b> B4 Mixed Use <b>FSR:</b> 3.6:1 <b>Height:</b> 38m	

- <sup>1</sup> There is no Precinct 19 or 20 in Auburn town centre
- <sup>2</sup> No changes are proposed for the remaining precincts
- <sup>3</sup> Recommended controls are all supported by Cumberland Local Planning Panel

### Auburn Town Centre – Precinct boundaries






DOCUMENTS  
ASSOCIATED WITH  
REPORT C08/19-176







Attachment 2





Chronology of proposed planning  
controls for the Auburn Town  
Centre Planning Controls  
Strategy


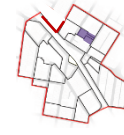
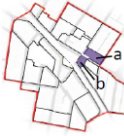
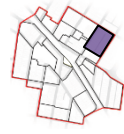







Precinct (refer to precinct maps for precinct boundary details)	Existing Controls ALEP 2010	Exhibited Controls (Feb-March 2017)	Recommended controls (April 2019)	CLPP Advice (June 2019)	Recommended Controls (August 2019)
<b>Precinct 1</b> Auburn Rd, Mary St, Harrow Rd, Queen St 	Zoning: B4 Mixed Use FSR: 5:1 Height: 49m	Zoning: B4 Mixed Use FSR: 5:1 Height: 60m	Zoning: B4 Mixed Use FSR: 5:1 Height: 70m	1. Support Council Officers' recommendation regarding FSR but not height.  2. With regard to height the Panel recommends the exhibited height of 60m maximum for the reason of general consistency with other land identified in the immediate locality with an FSR of 5:1.  3. The Panel also does not support the Land Owner request for FSR of 9:1 and height of 90m for reasons outlined in the CIHAP meeting minutes dated 24 August 2016.	Zoning: B4 Mixed Use FSR: 5:1 Height: 60m
<b>Precinct 2</b> Park Rd, north of Mary St, Harrow Rd 	Zoning: B4 Mixed Use FSR: 5:1 Height: 38m	Zoning: B4 Mixed Use FSR: 5:1 Height: 60m; NE corner 49m	Zoning: B4 Mixed Use FSR: 5:1 Height: 60m; NE corner 49m	Supports Council Officers' recommendation	Zoning: B4 Mixed Use FSR: 5:1 Height: 60m; NE corner 49m
<b>Precinct 3</b> South of Mary St, Harrow Rd, Susan St, Kerr Parade 	Zoning: B4 Mixed Use FSR: 5:1 Height: 38m	Zoning: B4 Mixed Use FSR: 5:1 Height: 55m	Zoning: B4 Mixed Use FSR: 5:1 Height: 55m	Supports Council Officers' recommendation	Zoning: B4 Mixed Use FSR: 5:1 Height: 55m

Precinct (refer to precinct maps for precinct boundary details)	Existing Controls ALEP 2010	Exhibited Controls (Feb-March 2017)	Recommended controls (April 2019)	CLPP Advice (June 2019)	Recommended Controls (August 2019)
<b>Precinct 4</b> Auburn Central 	Zoning: B4 Mixed Use FSR: 3.75:1 Height: 49m	Zoning: B4 Mixed Use FSR: 3.75:1 Height: 49m	Zoning: B4 Mixed Use FSR: 3.75:1 Height: 49m	Supports Council Officers' recommendation	Zoning: B4 Mixed Use FSR: 3.75:1 Height: 49m
<b>Precinct 5</b> South Parade, Vales Lane, Auburn Rd, Civic Rd, Kerr Parade 	Zoning: B4 Mixed Use FSR: 2.4:1 Height: 18m	Zoning: B4 Mixed Use FSR: 2.4:1 Height: 18m	Zoning: B4 Mixed Use FSR: 2.4:1 Height: 18m	Supports Council Officers' recommendation	Zoning: B4 Mixed Use FSR: 2.4:1 Height: 18m
<b>Precinct 6</b> South Parade, Alice St, Queen St and Park Rd 	Zoning: B4 Mixed Use FSR: 5:1 Height: 38m	Zoning: B4 Mixed Use FSR: 3:1 Height: 38m	Zoning: B4 Mixed Use FSR: 5:1 Height: 38m	Supports Council Officers' recommendation	Zoning: B4 Mixed Use FSR: 5:1 Height: 38m
<b>Precinct 7</b> Queen St, Alice St, Mary St, Park Rd 	Zoning: B4 Mixed Use FSR: 3:1 Height: 27m	Zoning: B4 Mixed Use FSR: 3:1 Height: 27m	Zoning: B4 Mixed Use FSR: 3:1 Height: 27m	Supports Council Officers' recommendation	Zoning: B4 Mixed Use FSR: 3:1 Height: 27m
<b>Precinct 8</b> lots zoned B4 fronting southern side of Mary St 	Zoning: B4 Mixed Use FSR: 5:1 Height: 38m	Zoning: B4 Mixed Use FSR: 3:1 Height: 32m	Zoning: B4 Mixed Use FSR: 5:1 Height: 38m	Supports Council Officers' recommendation	Zoning: B4 Mixed Use FSR: 5:1 Height: 38m
<b>Precinct 9</b> Harrow Rd, north of Beatrice St, Susan St 	Zoning: B4 Mixed Use FSR: 5:1 Height: NW corner 36m, remainder 38m	Zoning: B4 Mixed Use FSR: 5:1 Height: 45m	Zoning: B4 Mixed Use FSR: 5:1 Height: 55m (NW corner) 45m (remainder)	Supports Council Officers' recommendation	Zoning: B4 Mixed Use FSR: 5:1 Height: 55m (NW corner) 45m (remainder)

Precinct (refer to precinct maps for precinct boundary details)	Existing Controls ALEP 2010	Exhibited Controls (Feb-March 2017)	Recommended controls (April 2019)	CLPP Advice (June 2019)	Recommended Controls (August 2019)
<b>Precinct 10</b> Queen St, Susan Street, Beatrice Street, Marion Street 	Zoning: B4 Mixed Use  FSR: 3:1  Height: 27m	Zoning: B4 Mixed Use  FSR: 3:1  Height: 27m	Zoning: B4 Mixed Use  FSR: 3:1  Height: 27m	Supports Council Officers' recommendation	Zoning: B4 Mixed Use  FSR: 3:1  Height: 27m
<b>Precinct 11</b> Kerr Parade, Marion Street, Queen Street 	Zoning: B4 Mixed Use  FSR: 3:1  Height: 27m	Zoning: B4 Mixed Use  FSR: 3:1  Height: 32m	Zoning: B4 Mixed Use  FSR: 3:1  Height: 32m	Supports Council Officers' recommendation	Zoning: B4 Mixed Use  FSR: 3:1  Height: 32m
<b>Precinct 12</b> Station Road, Kerr Parade, Auburn Road 	Zoning: B4 Mixed Use  FSR: 2.4:1  Height: 18m	Zoning: B4 Mixed Use  FSR: 2.4:1  Height: 18m	Zoning: B4 Mixed Use  FSR: 2.4:1  Height: 27m	Supports Council Officers' recommendation	Zoning: B4 Mixed Use  FSR: 3:1  Height: 27m
<b>Precinct 13</b> northern side of Rawson Street and west of Station Road 	Zoning: B4 Mixed Use  FSR: 5:1  Height: 38m	Zoning: B4 Mixed Use  FSR: 5:1  Height: 55m	Zoning: B4 Mixed Use  FSR: 5:1  Height: 65m	1. Supports Council Officers recommendation regarding FSR but not height  2. With regard to height, the Panel recommends the exhibited height of 55m maximum for the reason of general consistency with land to the west in Precinct 14.	Zoning: B4 Mixed Use  FSR: 5:1  Height: 55m

Precinct (refer to precinct maps for precinct boundary details)	Existing Controls ALEP 2010	Exhibited Controls (Feb-March 2017)	Recommended controls (April 2019)		CLPP Advice (June 2019)	Recommended Controls (August 2019)		
<b>Precinct 14</b> Mid-block between Macquarie and Northumberland Rds 	<b>Zoning:</b> B4 Mixed Use  <b>FSR:</b> 5:1  <b>Height:</b> 38m	<b>Zoning:</b> B4 Mixed Use <b>FSR:</b> 5:1  <b>Height:</b> 55m	<b>Zoning:</b> B4 Mixed Use  <b>FSR:</b> 5:1  <b>Height:</b> 55m		<i>Supports Council Officers’ recommendation</i>	<b>Zoning:</b> B4 Mixed Use  <b>FSR:</b> 5:1  <b>Height:</b> 55m		
<b>Precinct 15</b> mid-block between Station St and Northumberland Rd 	<b>Zoning:</b> B4 Mixed Use  <b>FSR:</b> 5:1  <b>Height:</b> 38m	<b>Zoning:</b> B4 Mixed Use  <b>FSR:</b> 5:1 and recommend defer consideration <b>Height:</b> 38m and recommend defer consideration	<b>Zoning:</b> B4 Mixed Use  <b>FSR:</b> 5:1  <b>Height:</b> 38m			<i>Supports Council Officers’ recommendation</i>	<b>Zoning:</b> B4 Mixed Use  <b>FSR:</b> 5:1  <b>Height:</b> 38m	
<b>Precinct 16</b> 16a north of Rawson Street 16b south of Rawson St 	<b>Zoning:</b> B4 Mixed Use  <b>FSR:</b> 3.6:1  <b>Height:</b> 32m	<b>16a</b> (north)	<b>16b</b> (south)	<b>16a</b> (north)	<b>16b</b> (south)		<i>Supports Council Officers’ recommendation</i>	<b>16a</b> (north)
		<b>Zoning:</b> B4 Mixed Use		<b>Zoning:</b> B4 Mixed Use		<b>Zoning:</b> B4 Mixed Use		
		<b>FSR:</b> 3.6:1		<b>FSR:</b> 3.6:1		<b>FSR:</b> defer consideration		<b>FSR:</b> defer consideration
<b>Height:</b> 38m		<b>Height:</b> 38m		<b>Height:</b> 38m	<b>Height:</b> defer consideration		<b>Height:</b> 38m	<b>Height:</b> defer consideration
<b>Precinct 17</b> Station Road/Hall Street/Holliday Lane 	<b>Zoning:</b> R4 High Density Residential  <b>FSR:</b> 1.7:1/2:1 corners  <b>Height:</b> 18m/20 corners	<b>Zoning:</b> R4 High Density Residential  <b>FSR:</b> 2.1:1  <b>Height:</b> 20m	<b>Holliday Lane- Station St</b>	<b>Holliday Lane- Dartbrook Rd</b>	<i>Supports Council Officers’ recommendation</i>	<b>Holliday Lane- Station St</b>	<b>Holliday Lane- Dartbrook Rd</b>	
			<b>Zoning:</b> B4	<b>Zoning:</b> R4		<b>Zoning:</b> B4	<b>Zoning:</b> R4	
			<b>FSR:</b> 3.6:1	<b>FSR:</b> 2:1		<b>FSR:</b> 3.6:1	<b>FSR:</b> 2:1	
<b>Height:</b> 25m		<b>Height:</b> 20m		<b>Height:</b> 25m	<b>Height:</b> 20m		<b>Height:</b> 25m	<b>Height:</b> 20m

Precinct (refer to precinct maps for precinct boundary details)	Existing Controls ALEP 2010	Exhibited Controls (Feb-March 2017)	Recommended controls (April 2019)	CLPP Advice (June 2019)	Recommended Controls (August 2019)
<b>Precinct 18</b> Macquarie Road, Hall Street, Station Road 	Zoning: B4 Mixed Use  FSR: 3.6:1  Height: 32m	Zoning: B4 Mixed Use FSR: 3.6:1  Height: 38m	Zoning: B4 Mixed Use FSR: 3.6:1  Height: 38m	Supports Council Officers' recommendation	Zoning: B4 Mixed Use FSR: 3.6:1  Height: 38m
<b>There is no Precinct 19 or 20</b>					
<b>Precinct 21</b> South of Rawson Street, east of Dartbrook Road 	Zoning: R2 Low Density Residential  FSR: no FSR  Height: 9m	Zoning: B4 mixed use  FSR: 2.1:1  Height: 20m	Zoning: defer consideration FSR: defer consideration  Height: defer consideration	Supports Council Officers' recommendation	Zoning: defer consideration FSR: defer consideration  Height: defer consideration
<b>Precinct 22</b> Rawson Street, Percy Street, Gellibolu Parade 	Zoning: R2 Low Density Residential  FSR: no FSR control  Height: 9m	Zoning: R3 Medium Density Residential  FSR: 0.75:1  Height: 9m	Zoning: defer consideration FSR: defer consideration  Height: defer consideration	Supports Council Officers' recommendation	Zoning: defer consideration FSR: defer consideration  Height: defer consideration





DOCUMENTS  
ASSOCIATED WITH  
REPORT C08/19-176

Attachment 3

CLPP Report (20 June 2019) and  
Panel Advice (20 June 2019 and  
12 August 2019)



Item No: ELPP044/19

## **AUBURN AND LIDCOMBE TOWN CENTRES PLANNING CONTROLS STRATEGY**

Responsible Division: Environment & Planning  
Officer: Manager Strategic Planning  
File Number: S-5740-02  
Community Strategic Plan Goal: *A resilient built environment*

### **SUMMARY**

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This report provides relevant information on the Council report and minutes for the Auburn and Lidcombe Town Centres Planning Controls Strategy for consideration and advice by the Cumberland Local Planning Panel.

### **RECOMMENDATION**

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**That the Cumberland Local Planning Panel consider and provide advice on the report and minutes of 17 April 2019 for the Auburn and Lidcombe Town Centres planning controls strategy.**

### **REPORT**

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The Auburn and Lidcombe Town Centres Planning Controls Strategy was reported to Council at the meeting on 17 April 2019 (Attachments 1 to 5). One of the items under the resolution from the meeting was for Council to refer the Strategy to the Cumberland Local Planning Panel (CLPP) for advice (Attachment 6).

This Strategy was referred to the CLPP on 8 May 2019. At this meeting, the Panel requested that a separate Panel meeting be scheduled for consideration of this Strategy due to its complexity (Attachment 7).

This report provides the relevant information on the Council report and minutes for the Auburn and Lidcombe Town Centres Planning Controls Strategy for consideration and advice by the Cumberland Local Planning Panel.

### **COMMUNITY ENGAGEMENT**

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Community engagement is outlined in the attached Council report.

### **POLICY IMPLICATIONS**

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Policy implications are outlined in the attached Council report.

**RISK IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**CONCLUSION**

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This report provides the relevant information on the Council report and minutes for the Auburn and Lidcombe Town Centres Planning Controls Strategy for consideration and advice by the Cumberland Local Planning Panel.

**ATTACHMENTS**

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1. Council Report - 17 April 2019
2. Planning Controls Strategy for Auburn and Lidcombe Town Centres
3. Submissions received during public exhibition
4. Council Report and Minutes - 21 December 2016
5. Cumberland IHAP Reports - 17 November 2016
6. Council Minutes - 17 April 2019
7. Cumberland Local Planning Panel Minutes - 8 May 2019

**Extraordinary Cumberland Local Planning Panel Meeting  
20 June 2019**

Minutes of the Extraordinary Cumberland Local Planning Panel Meeting held at Merrylands Administration Building, 16 Memorial Avenue, Merrylands on Thursday 20 June 2019.

**PRESENT:**

Stuart McDonald, Michael Ryan, Chris Young and Paul Moulds AM.

**IN ATTENDANCE:**

Monica Cologna, Glenn Weekley, Esra Calim and Olivia Shields.

**NOTICE OF LIVE STREAMING OF CUMBERLAND LOCAL PLANNING PANEL MEETING**

The Chairperson advised that the Cumberland Local Planning meeting was being streamed live on Council's website and members of the public must ensure their speech to the Panel is respectful and use appropriate language.

The meeting here opened at 12:31p.m.

**DECLARATIONS OF INTEREST:**

Mr Stuart McDonald declared an interest in relation to Item 044/19 - Auburn and Lidcombe Town Centres Planning Controls Strategy, as he is acting for Council in regards to a development site in Northumberland Road, Auburn, within Precinct 18 of the study area, which is subject to an appeal to the Land and Environment Court. In consultation with Council's solicitors, Mr Stuart McDonald has determined to have no involvement in the Panel's consideration of Precinct 18 and Mr Chris Young will Chair this part of the meeting.

Mr Paul Moulds AM declared an interest in relation to Item 044/19 - Auburn and Lidcombe Town Centres Planning Controls Strategy as he manages a building and programs on a site that lies in one of the Precincts in Auburn considered in this application, the Salvation Army located at 199-170 South Parade, Auburn. Mr Paul Moulds AM will not participate in the Panels consideration of this particular precinct being Precinct 6.

**ADDRESS BY INVITED SPEAKERS:**

The following persons had made application to address the Cumberland Local Planning Panel meeting:

<u>Speakers</u>	<u>Item No. Subject</u>
Rev Graham Guy	Auburn and Lidcombe Town Centres Planning Controls Strategy



**Extraordinary Cumberland Local Planning Panel Meeting  
20 June 2019**

Kerryn Stanton	Auburn and Lidcombe Town Centres Planning Controls Strategy
Tony Oldfield	Auburn and Lidcombe Town Centres Planning Controls Strategy
Matthew Daniel	Auburn and Lidcombe Town Centres Planning Controls Strategy
Peter Smith	Auburn and Lidcombe Town Centres Planning Controls Strategy
James Matthews	Auburn and Lidcombe Town Centres Planning Controls Strategy
Stephen Earp	Planning Proposal for an Additional Permitted use of Educational Establishment at 2 Percy Street, Auburn.

The Chairperson enquired to those present in the Gallery as to whether there were any further persons who would like to address the Panel and no further persons presented themselves.

The open session of the meeting here closed at 1:26p.m.

The closed session of the meeting here opened at 1:27p.m.

ITEM LPP044/19 - AUBURN AND LIDCOMBE TOWN CENTRES PLANNING  
CONTROLS STRATEGY









**RECOMMENDATION**

1. The Panel has made the following recommendations in the tables below having considered the public submissions presented at the Local Planning Panel meeting in addition to the written submissions received, particularly in regards to the reduction in floor space ratios.
2. The Panel acknowledges and supports the position of the Department of Planning and Environment and the advice of the Council Officers that the reduction of existing floor space ratios within the Auburn and Lidcombe town centres is not a practicable strategic solution.
3. The Panel recommends to the Council that in developing detailed planning controls for both of the town centres that it introduce the following:
  - a. That a minimum FSR of 0.5:1 be non-residential uses in the following precincts in the core of both town centres:
    - i. Precincts 1, 2, 3, 4, 5, 12, 13, 14 and 16 in Auburn town centre
    - ii. Precincts 1, 2, 3, 8, 9, 10, 14, and 15 in Lidcombe town centre
  - b. Minimum lot sizes as a prerequisite to achieve maximum FSR and building height.
  - c. Comprehensive built form development controls including but not limited to appropriate street wall heights, setbacks of towers above street wall podiums, active street frontages and façade design.
4. The Panel recommends the joint exhibition of any future Planning Proposal and associated DCP if practicable.








**Auburn Town Centre**

Precinct (refer to precinct maps for precinct boundary details)	Planning officer Recommended controls	CLPP Recommendation June 2019
<b>Precinct 1</b> Auburn Road, Mary Street, Harrow Road, Queen Street 	<b>Zoning:</b> B4 Mixed Use <b>FSR:</b> 5:1 <b>Height:</b> 70m	<ol style="list-style-type: none"> <li>1. Support Council Officers recommendation regarding FSR but not height.</li> <li>2. With regard to height the Panel recommends the exhibited height of 60m maximum for the reason of general consistency with</li> </ol>




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		<p>other land identified in the immediate locality with an FSR of 5:1.</p> <p>3. The Panel also does not support the Land Owner request for FSR of 9:1 and height of 90m for reasons outlined in the CIHAP meeting minutes dated 24 August 2016.</p>
<b>Precinct 2</b> Park Road, north of Mary St, Harrow Road 	Zoning: B4 Mixed Use FSR: 5:1 Height: 60m; NE corner 49m	Supports Council Officers recommendation
<b>Precinct 3</b> South of Mary St, Harrow Road, Sudan Street, Kerr Parade 	Zoning: B4 Mixed Use FSR: 5:1 Height: 55m	Supports Council Officers recommendation
<b>Precinct 4</b> Auburn Central 	Zoning: B4 Mixed Use FSR: 3.75:1 Height: 49m	Supports Council Officers recommendation
<b>Precinct 5</b> South Parade Vales Lane Auburn Road Civic Road Kerr Parade 	Zoning: B4 Mixed Use FSR: 2.4:1 Height: 18m	Supports Council Officers recommendation
<b>Precinct 6</b> South Parade, Alice Street, Queen Street and Park Road 	Zoning: B4 Mixed Use FSR: 5:1 Height: 38m	Supports Council Officers recommendation
<b>Precinct 7</b> Queen Street, Alice Street, Mary Street, Park Road 	Zoning: B4 Mixed Use FSR: 3:1 Height: 27m	Supports Council Officers recommendation
<b>Precinct 8</b> lots zoned B4 fronting southern side of Mary St 	Zoning: B4 Mixed Use FSR: 5:1 Height: 38m	Supports Council Officers recommendation
<b>Precinct 9</b> Harrow Road, north of Beatrice Street, Susan Street 	Zoning: B4 Mixed Use FSR: 5:1 Height: NW corner 55m, remainder 45m	Supports Council Officers recommendation



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Precinct (refer to precinct maps for precinct boundary details)	Planning officer Recommended controls	CLPP Recommendation June 2019	
<b>Precinct 10</b> Queen St, Susan Street, Beatrice Street, Marion Street 	<b>Zoning:</b> B4 Mixed Use <b>FSR:</b> 3:1 <b>Height:</b> 27m	Supports Council Officers recommendation	
<b>Precinct 11</b> Kerr Parade, Marion Street, Queen Street 	<b>Zoning:</b> B4 Mixed Use <b>FSR:</b> 3:1 <b>Height:</b> 32m	Supports Council Officers recommendation	
<b>Precinct 12</b> Station Road, Kerr Parade, Auburn Road 	<b>Zoning:</b> B4 Mixed Use <b>FSR:</b> 2.4:1 <b>Height:</b> 27m	Supports Council Officers recommendation	
<b>Precinct 13</b> northern side of Rawson Street and west of Station Road 	<b>Zoning:</b> B4 Mixed Use <b>FSR:</b> 5:1 <b>Height:</b> 65m	1. Supports Council Officers recommendation regarding FSR but not height  2. With regard to height the Panel recommends the exhibited height of 55m maximum for the reason of general consistency with land to the west in Precinct 14.	
<b>Precinct 14</b> Mid-block between Macquarie and Northumberland Roads 	<b>Zoning:</b> B4 Mixed Use <b>FSR:</b> 5:1 <b>Height:</b> 55m	Support Council Officers recommendation.	
<b>Precinct 15</b> mid-block between Station and Northumberland Road 	<b>Zoning:</b> B4 Mixed Use <b>FSR:</b> 5:1 <b>Height:</b> 38m	Support Council Officers recommendation.	
<b>Precinct 16</b> 16a north of Rawson Street 16b south of Rawson St 	<b>16a (north)</b> <b>Zoning:</b> B4 Mixed Use <b>FSR:</b> 3.6:1  <b>Height:</b> 38m	<b>16b (south)</b> <b>Zoning:</b> B4 Mixed Use <b>FSR:</b> defer consideratio n  <b>Height:</b> defer consideratio n	Support Council Officers recommendation.

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<b>Precinct 17</b> Station Road/Hall Street/Holliday Lane 	Holliday Lane-Station Street <b>Zoning: B4</b> <b>FSR: 3.6:1</b> <b>Height: 25m</b>	Holliday Lane-Dartbrook Rd <b>Zoning: R4</b> <b>FSR: 2:1</b> <b>Height: 20m</b>	Support Council Officers recommendation.
<b>Precinct 18</b> Macquarie Road, Hall Street, Station Road 	<b>Zoning: B4 Mixed Use</b> <b>FSR: 3.6:1</b> <b>Height: 38m</b>		Support Council Officers recommendation.
<b>Precinct 21</b> South of Rawson Street, east of Dartbrook Road 	<b>Zoning: defer consideration</b> <b>FSR: defer consideration</b> <b>Height: defer consideration</b>		Support Council Officers recommendation.

**Lidcombe Town Centre**

<b>Precinct</b> (refer to precinct maps for precinct boundary details)	<b>Planning officer</b> <b>Recommended controls</b>	<b>CLPP</b> <b>Recommendation</b> <b>June 2019</b>
<b>Precinct 1</b> Bridge Street, Tooheys Lane, Joseph Street 	<b>Zoning: B4 Mixed Use</b> <b>FSR: 5:1</b> <b>Height: 70m</b>	1. Support Council Officers recommendation regarding FSR but not height.  2. With regard to height the Panel recommends the exhibited height of 60m maximum which will be consistent with the previous CIHAP recommendation.
<b>Precinct 2</b> East of Joseph Street, fronting Railway Street 	<b>Zoning: B4 Mixed Use</b> <b>FSR: 5:1</b> <b>Height: 65m</b>	1. Support Council Officers recommendation regarding FSR but not height.  2. With regard to height the Panel recommends the exhibited height of 55m maximum which will be consistent with the previous

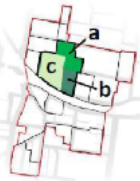






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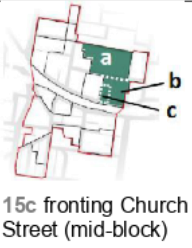



<p><b>Precinct 3</b> 3a: fronting Railway Street between station and Mark Street 3b: Mark, Railway, Raphael, Davey-Marsden Streets 3c: east of Joseph Street and around Taylor Street 3d: Bridge, Joseph and Vaughan Streets)</p> 	<p><b>Zoning:</b> B4 Mixed Use <b>FSR:</b> 5:1</p> <table><tr><td><b>3a</b> Height: 60m</td><td><b>3b</b> Height: 50m</td><td><b>3c</b> Height: 38m</td><td><b>3d</b> Height: 65m</td></tr></table>	<b>3a</b> Height: 60m	<b>3b</b> Height: 50m	<b>3c</b> Height: 38m	<b>3d</b> Height: 65m	<p><i>CIHAP recommendation.</i></p> <ol style="list-style-type: none"><li>1. Support Council Officers recommendation regarding height in precinct 3c.</li><li>2. Recommends maximum height of 55m for precincts 3a and 3d and 45m for precinct 3b all as exhibited and as previously recommended by CIHAP.</li></ol>
<b>3a</b> Height: 60m	<b>3b</b> Height: 50m	<b>3c</b> Height: 38m	<b>3d</b> Height: 65m			
<p><b>Precinct 4</b> Marsden-Davey, Mark, janes and Raphael Streets</p> 	<p><b>Zoning:</b> B4 Mixed Use <b>FSR:</b> 5:1 <b>Height:</b> 38m</p>	<p><i>Support Council Officers recommendation.</i></p>				
<p><b>Precinct 5</b> Between Taylor Street and Remembrance Park</p> 	<p><b>Zoning:</b> B4 Mixed Use <b>FSR:</b> 5:1 <b>Height:</b> 32m</p>	<p><i>Support Council Officers recommendation.</i></p>				
<p><b>Precinct 6</b> B4 zoned land south west of Kerrs Road and Joseph Street</p> 	<p><b>Zoning:</b> B4 Mixed Use <b>FSR:</b> 5:1 <b>Height:</b> 38m</p>	<p><i>Support Council Officers recommendation.</i></p>				
<p><b>Precinct 7</b> Kerrs Road, Olympic Drive, Raymond Street East, Joseph Street</p> 	<p><b>Zoning:</b> R4 High Density Residential <b>FSR:</b> 2:1 <b>Height:</b> 25m</p>	<ol style="list-style-type: none"><li>1. Supports Council Officers recommendation regarding FSR and R4 zoning.</li><li>2. Recommends height maximum 20m for the reason of consistency with R4 zone land adjoining to the east and to achieve a more appropriate interface with existing R2 low density residential zoned land adjoining to the south.</li></ol>				



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Precinct (refer to precinct maps for precinct boundary details)	Recommended controls			CLPP Recommendation June 2019
<b>Precinct 8</b> 8a north east of Mary and Board Streets, south of Dodson Avenue 8b Church, John and Mary Streets 8c east of John Street (Dooleys) 	<b>Zoning: B4 Mixed Use</b> <b>FSR: 5:1</b>			1. Support. Council Officers recommendation regarding 8a and 8b but not 8c.  2. With regard to height in 8c the Panel recommends the exhibited height of 60m maximum for the reason of general consistency with land to the east of John Street and fronting Church Street.
	<b>8a</b> Height: 38m	<b>8b</b> Height: 55m	<b>8c</b> Height: 70m	
<b>Precinct 9</b> Western half of Dooleys site 	<b>Zoning: B4 Mixed Use</b> <b>FSR: 5:1</b> <b>Height: 70m</b>			1. Support Council Officers recommendation regarding FSR but not height.  2. With regard to height the Panel recommends the exhibited height of 60m maximum as this is the existing control.
<b>Precinct 10</b> Ann Street, Olympic Drive, Board Street 	<b>Zoning: B4 Mixed Use</b> <b>FSR: 3.5:1</b> <b>Height: 38m</b>			Supports Council Officers recommendation
<b>Precinct 11</b> Ann Street, Olympic Drive, Child Street 	<b>Zoning: R4 High Density Residential</b> <b>FSR: 3:1</b> <b>Height: 32m</b>			Supports Council Officers recommendation
<b>Precinct 12</b> Childs, John, and Ann Streets (east of John Street) 	<b>Zoning: B4 Mixed Use</b> <b>FSR: 5:1</b> <b>Height: 38m</b>			Supports Council Officers recommendation

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<b>Precinct</b> (refer to precinct maps for precinct boundary details)	<b>Recommended controls</b>	<b>CLPP Recommendation June 2019</b>			
<b>Precinct 13</b> North of Childs Street, east of John Street 	<b>Zoning: R4 High Density Residential</b> <b>FSR: 2:1</b> <b>Height: 20m</b>	Support Council Officers recommendation.			
<b>Precinct 14</b> Mid-block between Church and Mary Streets 	<b>Zoning: B4 Mixed Use</b> <b>FSR: 5:1</b> <b>Height: 38m</b>	Support Council Officers recommendation.			
<b>Precinct 15</b> 15a Doodson Ave, Frederick and Mary Streets 15b mid-block south of Mary Street, between Mary-Church Streets 15c fronting Church Street (mid-block) 	<table border="1"> <tr> <td> <b>15a</b>  <b>Zoning: R4 High Density</b>  <b>FSR: 2.2:1</b>  <b>Height: 29m</b> </td><td> <b>15b</b>  <b>Zoning: B4 Mixed Use</b>  <b>FSR: 2.2:1</b>  <b>Height: 29m</b> </td><td> <b>15c</b>  <b>Zoning: B4 Mixed Use</b>  <b>FSR: 2.5:1</b>  <b>Height: 36m</b> </td></tr> </table>	<b>15a</b> <b>Zoning: R4 High Density</b> <b>FSR: 2.2:1</b> <b>Height: 29m</b>	<b>15b</b> <b>Zoning: B4 Mixed Use</b> <b>FSR: 2.2:1</b> <b>Height: 29m</b>	<b>15c</b> <b>Zoning: B4 Mixed Use</b> <b>FSR: 2.5:1</b> <b>Height: 36m</b>	Support Council Officers recommendation.
<b>15a</b> <b>Zoning: R4 High Density</b> <b>FSR: 2.2:1</b> <b>Height: 29m</b>	<b>15b</b> <b>Zoning: B4 Mixed Use</b> <b>FSR: 2.2:1</b> <b>Height: 29m</b>	<b>15c</b> <b>Zoning: B4 Mixed Use</b> <b>FSR: 2.5:1</b> <b>Height: 36m</b>			
<b>Precinct 15 east</b> 31 and 33 Mary Street (now included as part of Precinct 15) 	<b>Zoning: R4 High Density</b> <b>FSR: 2:1</b> <b>Height: 20m</b>	Support Council Officers recommendation.			
<b>Precinct 16</b> Mary, Swete, Mills (E), and Frederick Streets (now extends to southern side of Mills Street) 	<b>Zoning: R4 High Density</b> <b>FSR: 2:1</b> <b>Height: 20m</b>	Support Council Officers recommendation.			
<b>Precinct 17</b> Vaughan Street, Olympic Drive, Kerrs Road 	<b>Zoning: R4 High Density Residential</b> <b>FSR: 2:1</b> <b>Height: 20m</b>	Support Council Officers recommendation.			

**For:** Stuart McDonald (Chairperson) (with the exception of Precinct 18 Auburn), Michael Ryan, Chris Young and Paul Moulds AM (with the exemption of Precinct 6 Auburn).

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In relation to Precinct 6 Auburn Paul Moulds AM took no part in the discussion and consideration. In relation to Precinct 18 Auburn, Stuart McDonald took no part in the discussion and consideration. Chris Young Chaired the Panel's consideration of Precinct 18.

**Against:** Nil.

ITEM LPP045/19 - PLANNING PROPOSAL FOR AN ADDITIONAL PERMITTED USE OF EDUCATIONAL ESTABLISHMENT AT 2 PERCY STREET, AUBURN

**RECOMMENDATION:**

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**1. The Panel advises the Council as follows:**

- a. That Council's attention be drawn to the proposed use being inconsistent with the objectives of the current IN2 Light Industrial zone.
- b. The proposed student population together with teachers and support staff appears to be an excessive scale of development given the size and constraints of the site and the locality.
- c. An educational establishment may be an acceptable land use on the site and recognises the demand for such a facility within the community subject to the above.

**2. The Panel recommends that the Council consider the above advice, and in particular items 1a and 1b when determining the form of the Planning Proposal in achieving the objective of the proposed educational establishment on the site.**

**For:** Stuart McDonald (Chairperson), Michael Ryan, Chris Young and Paul Moulds AM

**Against:** Nil.

The closed session of the meeting here closed at 4:40p.m.

The open session of the meeting here opened at 4:41p.m. The Chairperson delivered the Cumberland Local Planning Panel's resolutions to the Public Gallery.

The meeting terminated at 4:45p.m.

Signed:



Stuart McDonald  
Chairperson

12 August 2019

Apology: Paul Moulds

Attendance: Monica Cologna, Karl Okorn, Esra Calim, Stuart McDonald, Chris Young, Mike Ryan.

Outcome:

The panel is open to further consideration of the principal put forward from Council officers regarding additional height in certain locations.

At this time however, the panel is concerned about unintended consequences of using Clause 4.6 relating to FSR and height for sites seeking to utilise the Design Excellence provisions. These include:

- The potential use of Clause 4.6 to justify additional FSR associated with any increase in height arising from the achievement of design excellence.
- The potential use of Clause 4.6 to achieve additional height over and above that available from the achievement of Design Excellence.
- The use of Clause 4.6 for additional height in lieu of Design Excellence provisions.

The panel therefore reaffirms its recommendation of 20 June 2019 meeting, however, is open to reconsideration of its recommendations subject to the following:

- Adequate statutory safe guards including but not limited to the potential restriction of the use of Clause 4.6.
- In the event the Council request the panel to give further consideration, the panel would request a further meeting/briefing regarding those additional provisions as well as consider each individual precinct in more detail to understand the capacity for additional height.

Stuart McDonald  
Chairse@ald  
12/8/19Chris Young  
Panel member

12.8.19

Michael Ryan  
Panel member

12.8.19



DOCUMENTS  
ASSOCIATED WITH  
REPORT C08/19-176

Attachment 4

Council Report and Minutes on  
Auburn and Lidcombe Town  
Centres Planning Controls  
Strategy (17 April 2019)





Item No: C04/19-64

## **AUBURN AND LIDCOMBE TOWN CENTRES PLANNING CONTROLS STRATEGY**

Responsible Division: Environment & Planning  
Officer: Director Environment & Planning  
File Number: S-5740-02  
Community Strategic Plan Goal: *A resilient built environment*

### **SUMMARY**

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This report provides an update on the planning controls strategy for the Auburn and Lidcombe Town Centres. It outlines the outcomes of the public exhibition process, including submissions received and key issues, and the recommended approach for planning controls in the Auburn and Lidcombe Town Centres.

Council has undertaken work on a planning controls strategy for the Auburn and Lidcombe Town Centres. The primary focus of this work is to better align the planning controls related to zoning, height and floor space ratios, which enable a broader range of building design options to be realised. This approach provides better opportunities for innovation in the built form of these town centres, and contributes to the quality of amenity and public domain within the Cumberland area.

The draft strategy for the Auburn and Lidcombe Town Centres was placed on public exhibition from 7 February 2017 to 8 March 2017. A total of 52 submissions were received. Key items raised included feedback on the proposed planning controls, infrastructure availability and built form interfaces with existing land uses.

Following a review of submissions and further assessment by Council, the recommended planning controls strategy for the Auburn Town Centre includes:

- retention of existing floor space ratios in precincts where a reduction was proposed, as development has proceeded under the current controls
- changes to maximum heights for some precincts to allow for improved building design while maintaining the existing floor space ratios at these precincts
- minor changes to zonings and/or floor space ratios for Precinct 17 to better support the activation of Auburn Town Centre at this location

Following a review of submissions and further assessment by Council, the recommended planning controls strategy for the Lidcombe Town Centre includes:

- retention of existing floor space ratios in precincts where a reduction was identified for consideration, as development has proceeded in these precincts with the current controls

- changes to zonings and/or floor space ratios for Precincts 7, 10, 15 (part) and 16 to better support the activation of Lidcombe Town Centre at these locations, as well as to provide a better design and built form response. This approach minimises pressure on existing services and infrastructure by only providing a minor increase in potential development yield
- changes to maximum heights for some precincts to allow for improved building design while maintaining the existing floor space ratios at these precincts

The report also outlines the implementation of the planning controls strategy through the new Cumberland Local Environmental Plan (LEP) if endorsed by Council. This process will require the preparation of a planning proposal, review and advice from the Cumberland Local Planning Panel, Gateway determination by the NSW Government, public consultation and finalisation of the planning proposals for the new LEP. This work is a high priority of Council and is scheduled for completion in mid-2020.

## RECOMMENDATION

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### That Council:

1. Note the submissions received on the planning controls strategy for Auburn and Lidcombe Town Centres.
2. Note that planning controls for the Auburn Town Centre remain unchanged for Precincts 4, 5, 7 and 10.
3. Adopt the planning controls strategy for Auburn Town Centre in Precincts 2, 3, 6, 8, 11, 14, 15, 16a and 18, with these controls reflecting current arrangements or exhibited controls.
4. Adopt the planning controls strategy for Auburn Town Centre in Precincts 1, 9, 12, 13 and 17, with revisions made to these controls in response to submissions or further assessment by Council.
5. Adopt the planning controls strategy for Lidcombe Town Centre in Precincts 4, 5, 6, 10, 11, 12, 13, 15 east, 16a and 17, with these controls reflecting current arrangements or exhibited controls.
6. Adopt the planning controls strategy for Lidcombe Town Centre in Precincts 1, 2, 3, 7, 8, 9, 14 and 15, with revisions made to these controls in response to submissions or further assessment by Council.
7. Implement the adopted planning controls strategy for Auburn and Lidcombe Town Centres as part of the new Cumberland Local Environmental Plan.
8. Note that the adopted planning controls strategy for Auburn and Lidcombe Town Centres will be subject to further public consultation and further review by the Cumberland Local Planning Panel as part of the new Cumberland Local Environmental Plan.
9. Note that further assessment on the planning controls strategy for Auburn Town Centre will be undertaken in Precincts 16b, 21 and 22.

## REPORT

### Background

Council has undertaken work on a planning controls strategy for the Auburn and Lidcombe Town Centres. The primary focus of this work is to better align the planning controls related to zoning, height and floor space ratios, which enables a broader range of building design options to be realised. This approach provides better opportunities for innovation in the built form of these town centres, and contributes to the quality of amenity and public domain within the Cumberland area.

A chronology of the work undertaken on the planning controls strategy for Auburn and Lidcombe Town Centres is provided in Table 1. Further background information from previous Council and Independent Hearing and Assessment Panel reports are provided in Attachments 3 and 4.

Former Auburn City Council	
2014 - 2015	Resolutions to increase heights in Auburn and Lidcombe Town Centres.
2015 - 2016	Preliminary Consultant work
Cumberland Council	
May 2016	Council amalgamation – review of planning controls placed on hold
September-October 2016	Internal work to finalise draft Strategy
November 2016	Report to IHAP - recommending exhibition
December 2016	Report to Council. Resolution to exhibit (Administrator)
7 Feb – 8 March 2017	Exhibition of draft Strategy
2017 – 2019	Analysis of issues raised in submissions and review of draft Strategy
April 2019	Report to Council on Planning Controls Strategy

Table 1: Chronology of planning controls strategy for Auburn and Lidcombe Town Centres

### Auburn Town Centre

This work considered the planning controls for a number of precincts in the Auburn Town Centre, as outlined in Figure 1. A range of public submissions were received and considered for the various precincts in the town centre. Council has also reviewed development applications and building construction activity in the town centre since the public consultation period to ensure that the recommended planning controls respond to the current built form in the town centre.





AUBURN TOWN CENTRE






no change    different to existing    different to existing and exhibited controls

Precinct (refer to precinct maps for precinct boundary details)	Existing Controls ALEP 2010	Exhibited Controls (2017)	Recommended controls
Precinct 1 Auburn Road, Mary Street, Harrow Road, Queen Street	Zoning: B4 Mixed Use FSR: 5:1 Height: 49m	Zoning: B4 Mixed Use FSR: 5:1 Height: 60m	Zoning: B4 Mixed Use FSR: 5:1 Height: 70m
Precinct 2 Park Road, north of Mary St, Harrow Road	Zoning: B4 Mixed Use FSR: 5:1 Height: 38m	Zoning: B4 Mixed Use FSR: 5:1 Height: 60m; NE corner 49m	Zoning: B4 Mixed Use FSR: 5:1 Height: 60m; NE corner 49m
Precinct 3 South of Mary St, Harrow Road, Susan Street, Kerr Parade	Zoning: B4 Mixed Use FSR: 5:1 Height: 38m	Zoning: B4 Mixed Use FSR: 5:1 Height: 55m	Zoning: B4 Mixed Use FSR: 5:1 Height: 55m
Precinct 4 Auburn Central	Zoning: B4 Mixed Use FSR: 3.75:1 Height: 49m	Zoning: B4 Mixed Use FSR: 3.75:1 Height: 49m	Zoning: B4 Mixed Use FSR: 3.75:1 Height: 49m
Precinct 5 South Parade, Vales Lane, Auburn Road, Civic Road, Kerr Parade	Zoning: B4 Mixed Use FSR: 2.4:1 Height: 18m	Zoning: B4 Mixed Use FSR: 2.4:1 Height: 18m	Zoning: B4 Mixed Use FSR: 2.4:1 Height: 18m
Precinct 6 South Parade, Alice Street, Queen Street and Park Road	Zoning: B4 Mixed Use FSR: 5:1 Height: 38m	Zoning: B4 Mixed Use FSR: 3:1 Height: 38m	Zoning: B4 Mixed Use FSR: 5:1 Height: 38m
Precinct 7 Queen Street, Alice Street, Mary Street, Park Road	Zoning: B4 Mixed Use FSR: 3:1 Height: 27m	Zoning: B4 Mixed Use FSR: 3:1 Height: 27m	Zoning: B4 Mixed Use FSR: 3:1 Height: 27m

Precinct (refer to precinct maps for precinct boundary details)	Existing Controls ALEP 2010	Exhibited Controls (2017)	Recommended controls
Precinct 8 lots zoned B4 fronting southern side of Mary St	Zoning: B4 Mixed Use FSR: 5:1 Height: 38m	Zoning: B4 Mixed Use FSR: 3:1 Height: 32m	Zoning: B4 Mixed Use FSR: 5:1 Height: 38m
Precinct 9 Harrow Road, north of Beatrice Street, Susan Street	Zoning: B4 Mixed Use FSR: 5:1 Height: NW corner 36m, remainder 38m	Zoning: B4 Mixed Use FSR: 5:1 Height: 45m	Zoning: B4 Mixed Use FSR: 5:1 Height: 55m (NW corner) remainder 45m
Precinct 10 Queen St, Susan Street, Beatrice Street, Marion Street	Zoning: B4 Mixed Use FSR: 3:1 Height: 27m	Zoning: B4 Mixed Use FSR: 3:1 Height: 27m	Zoning: B4 Mixed Use FSR: 3:1 Height: 27m
Precinct 11 Kerr Parade, Marion Street, Queen Street	Zoning: B4 Mixed Use FSR: 3:1 Height: 27m	Zoning: B4 Mixed Use FSR: 3:1 Height: 32m	Zoning: B4 Mixed Use FSR: 3:1 Height: 32m
Precinct 12 Station Road, Kerr Parade, Auburn Road	Zoning: B4 Mixed Use FSR: 2.4:1 Height: 18m	Zoning: B4 Mixed Use FSR: 2.4:1 Height: 18m	Zoning: B4 Mixed Use FSR: 2.4:1 Height: 27m
Precinct 13 northern side of Rawson Street and west of Station Road	Zoning: B4 Mixed Use FSR: 5:1 Height: 38m	Zoning: B4 Mixed Use FSR: 5:1 Height: 55m	Zoning: B4 Mixed Use FSR: 5:1 Height: 65m

Table 2: Planning Control Strategy by Precinct for Auburn Town Centre



Precinct (refer to precinct maps for precinct boundary details)	Existing Controls ALEP 2010	Exhibited Controls (2017)	Recommended controls
Precinct 14 Mid-block between Macquarie and Northumberland Roads 	Zoning: B4 Mixed Use FSR: 5:1 Height: 38m	Zoning: B4 Mixed Use FSR: 5:1 Height: 55m	Zoning: B4 Mixed Use FSR: 5:1 Height: 55m
Precinct 15 mid block between Station and Northumberland Road 	Zoning: B4 Mixed Use FSR: 5:1 Height: 38m	Zoning: B4 Mixed Use FSR: 5:1 and recommendation to defer consideration Height: 38m and recommendation to defer consideration	Zoning: B4 Mixed Use FSR: 5:1 Height: 38m
Precinct 16 16a north of Rawson Street 16b south of Rawson St 	Zoning: B4 Mixed Use FSR: 3.6:1 Height: 32m	16a (north) 16b (south) Zoning: B4 Mixed Use FSR: 3.6:1 3.6:1 Height: 38m Height: 38m	16a (north) 16b (south) Zoning: B4 Mixed Use FSR: 3.6:1 FSR: defer consideration Height: 38m Height: defer consideration
Precinct 17 Station Road/Hall Street/Holiday Lane 	Zoning: R4 High Density Residential FSR: 1.7:1/2:1 corners Height: 18m/20m corners	Zoning: R4 High Density Residential FSR: 2.1:1 Height: 20m	Holiday Lane- Station Street Zoning: B4 FSR: 3.6:1 Height: 25m Holiday Lane- Dartbrook Rd Zoning: R4 FSR: 2.1:1 Height: 20m
Precinct 18 Macquarie Road, Hall Street, Station Road 	Zoning: B4 Mixed Use FSR: 3.6:1 Height: 32m	Zoning: B4 Mixed Use FSR: 3.6:1 Height: 38m	Zoning: B4 Mixed Use FSR: 3.6:1 Height: 38m
There is no Precinct 19 or 20			

Precinct (refer to precinct maps for precinct boundary details)	Existing Controls ALEP 2010	Exhibited Controls (2017)	Recommended controls
Precinct 21 South of Rawson Street, east of Dartbrook Road 	Zoning: R2 Low Density Residential FSR: no FSR Height: 9m	Zoning: B4 Mixed Use FSR: 2.1:1 Height: 20m	Zoning: defer consideration FSR: defer consideration Height: defer consideration
Precinct 22 Rawson Street, Percy Street, Gellibolu Parade 	Zoning: R2 Low Density Residential FSR: no FSR control Height: 9m	Zoning: R3 Medium Density Residential FSR: 0.75:1 Height: 9m	Zoning: defer consideration FSR: defer consideration Height: defer consideration

Table 2: Planning Control Strategy by Precinct for Auburn Town Centre (cont.)

### Lidcombe Town Centre

This work considered the planning controls for a number of precincts in the Lidcombe Town Centre, as outlined in Figure 2. A range of public submissions were received and considered for the various precincts in the town centre. Council has also reviewed development applications and building construction activity in the town centre since the public consultation period to ensure that the recommended planning controls respond to the current built form in the town centre.



Figure 2: Lidcombe Town Centre Precincts






The key elements of the recommended planning controls strategy for the Lidcombe Town Centre include:

- retention of existing floor space ratios in precincts where a reduction was identified for consideration, as development has proceeded in these precincts with the current controls
- changes to zonings and/or floor space ratios for Precincts 7, 10, 15 (part) and 16 to better support the activation of Lidcombe Town Centre at these locations, as well as to provide a better design and built form response. This approach minimises pressure on existing services and infrastructure by only providing a minor increase in potential development yield
- changes to maximum heights for some precincts to allow for improved building design while maintaining the existing floor space ratios at these precincts

Information by precinct is provided in Table 3 and Attachment 1 of the report.

LIDCOMBE TOWN CENTRE

no change    different to existing    different to existing and exhibited controls

Precinct (refer to precinct maps for precinct boundary details)	Existing Controls ALEP 2010	Exhibited Controls (2017)	Recommended controls
Precinct 1 Bridge Street, Tooheys Lane, Joseph Street 	Zoning: B4 Mixed Use FSR: 5:1  Height: 36m	Zoning: B4 Mixed Use FSR: 5:1  Height: 60m	Zoning: B4 Mixed Use FSR: 5:1  Height: 70m
Precinct 2 East of Joseph Street, fronting Railway Street 	Zoning: B4 Mixed Use FSR: 5:1  Height: 32m	Zoning: B4 Mixed Use FSR: 5:1  Height: 55m	Zoning: B4 Mixed Use FSR: 5:1  Height: 65m
Precinct 3 3a: fronting Railway Street between station and Mark Street 3b: Mark, Railway, Raphael, Davy, Marsden Streets 3c: east of Joseph Street and around Taylor Street 3d: Bridge, Joseph and Vaughan Streets 	Zoning: B4 Mixed Use FSR: 5:1  Height: 32m	Zoning: B4 Mixed Use FSR: 5:1 3a, 3b, 3c (eastern part), 3d 3c (western part) 5:1 and Council to investigate reduction in FSR 3a Height: 55m 3b Height: 45m 3c Height: 38m and further investigation 3d Height: 55m	Zoning: B4 Mixed Use FSR: 5:1 3a Height: 60m 3b Height: 50m 3c Height: 38m 3d Height: 65m
Precinct 4 Marsden-Davy, Mark, James and Raphael Streets 	Zoning: B4 Mixed Use FSR: 5:1 Height: 32m	Zoning: B4 Mixed Use FSR: 5:1 Height: 38m	Zoning: B4 Mixed Use FSR: 5:1 Height: 38m
Precinct 5 Between Taylor Street and Remembrance Park 	Zoning: B4 Mixed Use FSR: 5:1  Height: 32m	Zoning: part RE1 FSR: no FSR (RE1 part) Height: no height (RE1 part)    part B4 Mixed Use 5:1 remainder 38m remainder	Zoning: B4 Mixed Use FSR: 5:1  Height: 32m









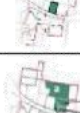
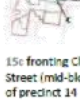
Precinct (refer to precinct maps for precinct boundary details)	Existing Controls ALEP 2010	Exhibited Controls (2017)	Recommended controls
Precinct 6 B4 zoned land south west of Kerr's Road and Joseph Street 	Zoning: B4 Mixed Use FSR: 5:1  Height: 32m	Zoning: B4 Mixed Use FSR: 5:1  Height: 38m	Zoning: B4 Mixed Use FSR: 5:1  Height: 38m
Precinct 7 Kerr's Road, Olympic Drive, Raymond Street East, Joseph Street 	Zoning: R2 Low Density Residential FSR: no FSR Height: 9m	Zoning: R4 High Density Residential FSR: 2:1 Height: 20m	Zoning: R4 High Density Residential FSR: 2:1 Height: 25m
Precinct 8 8a north east of Mary and Board Streets, south of Dodson Avenue 8b Church, John and Mary Streets 8c east of John Street (Dooleys) 	Zoning: B4 Mixed Use FSR: 5:1  Height: 36m	Zoning: B4 Mixed Use FSR: 5:1 8a Height: 50m 8b Height: 55m 8c Height: 60m	Zoning: B4 Mixed Use FSR: 5:1 8a Height: 38m 8b Height: 55m 8c Height: 70m
Precinct 9 Western half of Dooleys site 	Zoning: B4 Mixed Use FSR: 5:1 Height: 60m	Zoning: B4 Mixed Use FSR: 5:1 Height: 60m	Zoning: B4 Mixed Use FSR: 5:1 Height: 70m
Precinct 10 Ann Street, Olympic Drive, Board Street 	Zoning: R4 High Density FSR: 1.7:1/2:1 corners Height: 18m/20m corners	Zoning: B4 Mixed Use FSR: 3.5:1 Height: 38m	Zoning: B4 Mixed Use FSR: 3.5:1 Height: 38m

Table 3: Planning Control Strategy by Precinct for Lidcombe Town Centre



Precinct (refer to precinct maps for precinct boundary details)	Existing Controls ALEP 2010	Exhibited Controls (2017)				Recommended controls			
Precinct 11 Ann Street, Olympic Drive, Child Street	 Zoning: R4 High Density Residential FSR: 1.7:1/2:1 corners Height: 18m/20m corners	Zoning: R4 High Density Residential FSR: 3:1 Height: 32m				Zoning: R4 High Density Residential FSR: 3:1 Height: 32m			
Precinct 12 Childs, John, and Ann Streets (east of John Street)	 Zoning: B4 Mixed Use FSR: 5:1 Height: 36m	Zoning: B4 Mixed Use FSR: 5:1 Height: 38m				Zoning: B4 Mixed Use FSR: 5:1 Height: 38m			
Precinct 13 North of Childs Street, east of John Street	 Zoning: R4 High Density Residential FSR: 1.7:1/2:1 corners Height: 18m/20m corners	Zoning: R4 High Density Residential FSR: 2:1 Height: 20m				Zoning: R4 High Density Residential FSR: 2:1 Height: 20m			
Precinct 14 Mid-block between Church and Mary Streets	 Zoning: B4 Mixed Use FSR: 5:1 Height: 32m	Zoning: B4 Mixed Use FSR: 5:1 Height: 38m				Zoning: B4 Mixed Use FSR: 5:1 Height: 38m			
Precinct 15 15a Doodson Ave, Frederick and Mary Streets 15b1 mid block, south of Mary Street 15b2 mid-block, fronting Church St, east of precinct 15c	 15a, 15b, 15c, 15d Zoning: R4 High Density FSR: 1.7:1/2:1 corners Height: 18m/20m corners	15a Zoning: R4 High Density FSR: 3:1 Height: 32m	15b1 Zoning: B4 Mixed Use FSR: 3.5:1 Height: 38m	15b2 Zoning: B4 Mixed Use FSR: 3.5:1 Height: 38m	15c Zoning: B4 Mixed Use FSR: 3.5:1 Height: 38m	15a Zoning: R4 High Density FSR: 2.2:1 Height: 29m	15b1 Zoning: R4 High Density FSR: 2.2:1 Height: 29m	15b2 Zoning: R4 High Density FSR: 2.2:1 Height: 29m	15c Zoning: B4 Mixed Use FSR: 2.5:1 Height: 36m

Precinct (refer to precinct maps for precinct boundary details)	Existing Controls ALEP 2010	Exhibited Controls (2017)		Recommended controls	
Precinct 15 east 31 and 33 Mary Street (now included as part of Precinct 15)	 Zoning: R4 High Density FSR: 1.7:1 Height: 18m	Zoning: R4 High Density FSR: 1.7:1 Height: 20m		Zoning: R4 High Density FSR: 2:1 Height: 20m	
Precinct 16 16a Mary, Swete, Mills (L), and Frederick Streets 16b (extension of Precinct 16 to southern side of Mills Street)	 Zoning: R3 Medium Density FSR: 0.75:1 Height: 9m	16a Zoning: R4 High Density FSR: 2:1 Height: 20m	16b (Lot between Mills St and Precinct 16) Zoning: R3 Medium Density FSR: 0.75:1 Height: 9m	16a Zoning: R4 High Density FSR: 2:1 Height: 20m	16b (Lot between Mills St and Precinct 16) Zoning: R4 High Density FSR: 2:1 Height: 20m
Precinct 17 Vaughan Street, Olympic Drive, Kerr Road	 Zoning: R4 High Density Residential FSR: 1.7:1/2:1 corner Height: 18m/20m corners	Zoning: R4 High Density Residential FSR: 2:1 Height: 20m		Zoning: R4 High Density Residential FSR: 2:1 Height: 20m	

Table 3: Planning Control Strategy by Precinct for Lidcombe Town Centre (cont.)

### Next Steps

Subject to endorsement by Council, the implementation of the adopted planning controls strategy will be undertaken through the new Cumberland Local Environmental Plan (LEP). This process will require the preparation of a planning proposal, review and advice from the Cumberland Local Planning Panel, Gateway determination by the NSW Government, public consultation and finalisation of the planning proposal for the new LEP. This work is a high priority of Council and is scheduled for completion in mid-2020.

## COMMUNITY ENGAGEMENT

The draft Strategy was exhibited from 7 February 2017 to 8 March 2017. Two public information evening sessions were held during the exhibition: one at the Lidcombe Community Centre (20 February 2017); and one at Council's Auburn Administration Centre (23 February 2017).

A total of 52 submissions were received, including:

- 16 submissions and 1 petition (29 signatures) generally objecting to the draft Strategy;
- 13 submissions (including 10 form letters) in support of the draft Strategy; and
- the remainder raising various issues and comments.

Key items raised in the submission (as shown in Figure 3) included feedback on the proposed planning controls, infrastructure availability and built form interfaces with existing land uses. A summary and response to the submissions received is provided in Attachment 2.

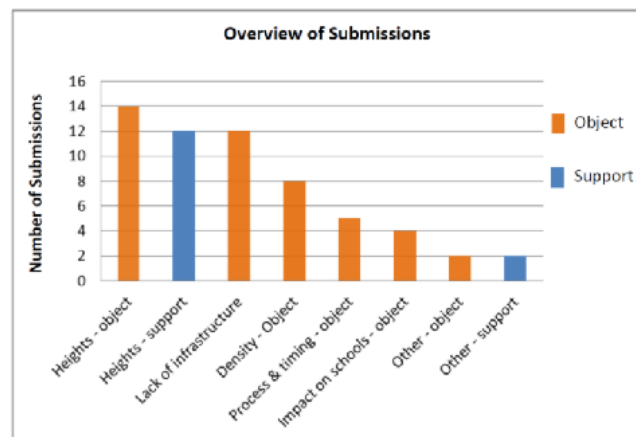


Figure 3: Overview of submissions received

## POLICY IMPLICATIONS

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

## RISK IMPLICATIONS

There are minimal risk implications for Council associated with this report. The primary focus of this work is to better align planning controls for Auburn and Lidcombe Town Centres that can enhance design and built form outcomes. The introduction of the Cumberland Design Excellence Panel at the development application stage will further mitigate risks in achieving these outcomes.

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**FINANCIAL IMPLICATIONS**

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There are minimal financial implications for Council associated with this report. The primary focus of this work is to better align planning controls for Auburn and Lidcombe Town Centres that can enhance design and built form outcomes.

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**CONCLUSION**

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This report provides an update on the planning controls strategy for the Auburn and Lidcombe Town Centres. It outlines the outcomes of the public exhibition process, including submissions received and key issues, and the recommended approach for planning controls in the Auburn and Lidcombe Town Centres.

The Draft Strategy for the Auburn and Lidcombe Town Centres was placed on public exhibition from 7 February 2017 to 8 March 2017. A total of 52 submissions were received. Key items raised included feedback on the proposed planning controls, infrastructure availability and built form interfaces with existing land uses.

Following a review of submissions and further assessment by Council, the recommended planning controls strategy for the Auburn Town Centre includes:

- retention of existing floor space ratios in precincts where a reduction was proposed, as development has proceeded under the current controls
- changes to maximum heights for some precincts to allow for improved building design while maintaining the existing floor space ratios at these precincts
- minor changes to zonings and/or floor space ratios for Precinct 17 to better support the activation of Auburn Town Centre at this location
- further assessment of planning controls in selected precincts in response to submissions and planning proposals received following public exhibition

Following a review of submissions and further assessment by Council, the recommended planning controls strategy for the Lidcombe Town Centre includes:

- retention of existing floor space ratios in precincts where a reduction was identified for consideration, as development has proceeded in these precincts with the current controls
- changes to zonings and/or floor space ratios for Precincts 7, 10, 15 (part) and 16 to better support the activation of Lidcombe Town Centre at these locations, as well as to provide a better design and built form response. This approach minimises pressure on existing services and infrastructure by only providing a minor increase in potential development yield
- changes to maximum heights for some precincts to allow for improved building design while maintaining the existing floor space ratios at these precincts

The report also outlines the implementation of the planning controls strategy through the new Cumberland Local Environmental Plan (LEP) if endorsed by Council. This







process will require the preparation of a planning proposal, Gateway determination by the NSW Government, public consultation and finalisation of the planning proposals for the new LEP. This work is a high priority of Council and is scheduled for completion in mid-2020.

The primary focus of this work is to better align the planning controls related to zoning, height and floor space ratios, which enables a broader range of building design options to be realised. The adoption of the planning controls strategy for the Auburn and Lidcombe Town Centres provides better opportunities for innovation in the built form of these town centres, and contribute to the quality of amenity and public domain within the Cumberland area.

## ATTACHMENTS

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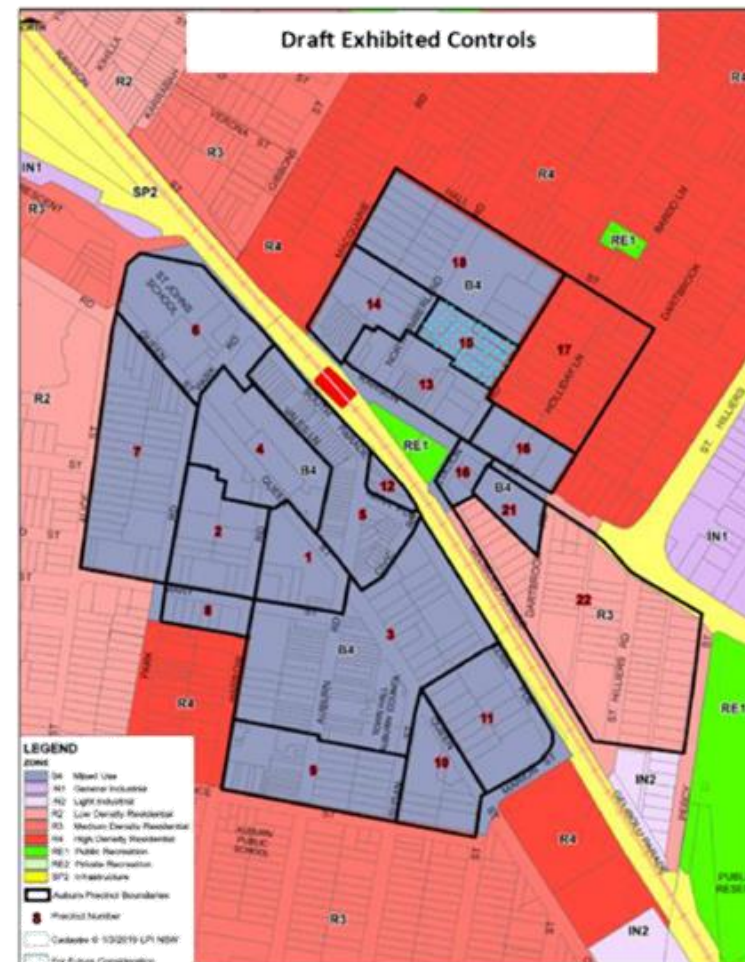
1. Planning Controls Strategy for Auburn and Lidcombe Town Centres [↓](#) 
2. Submissions received during public exhibition [↓](#) 
3. Council Report and Minutes - 21 December 2016 [↓](#) 
4. Cumberland IHAP Reports - 17 November 2016 [↓](#) 

# DOCUMENTS ASSOCIATED WITH REPORT C04/19-64

## Attachment 1 Planning Controls Strategy for Auburn and Lidcombe Town Centres



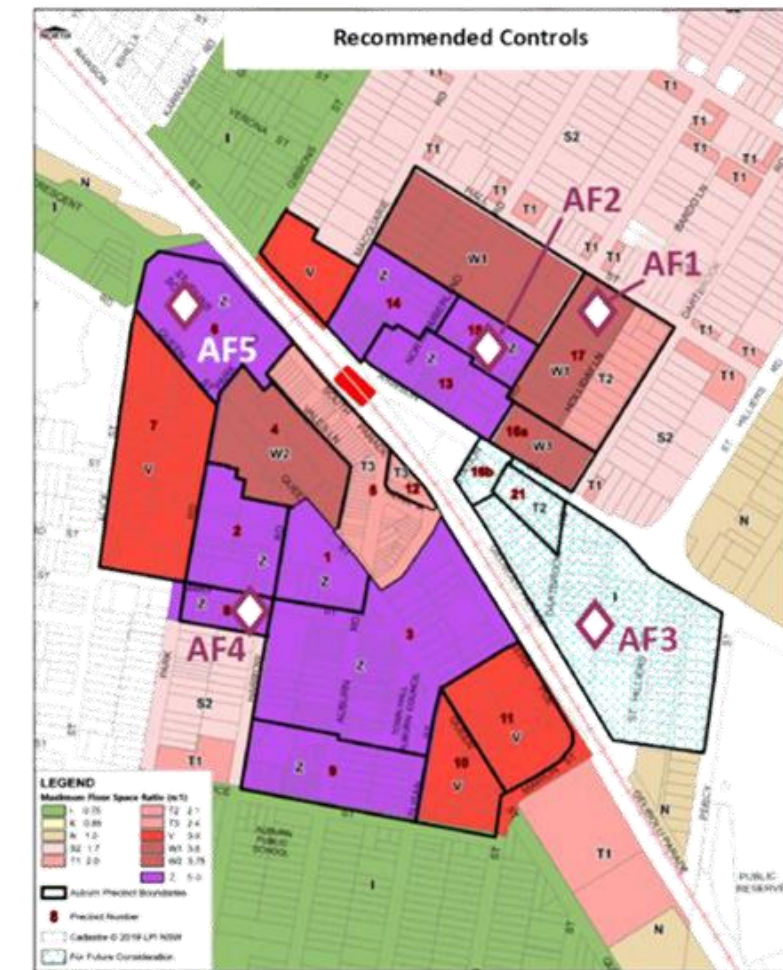
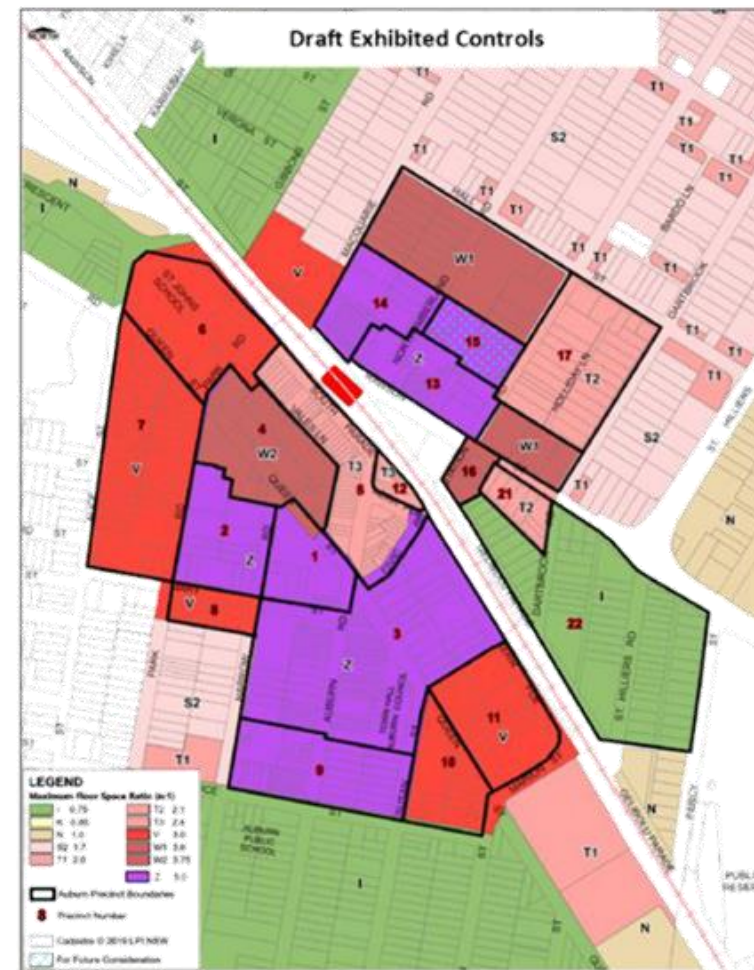
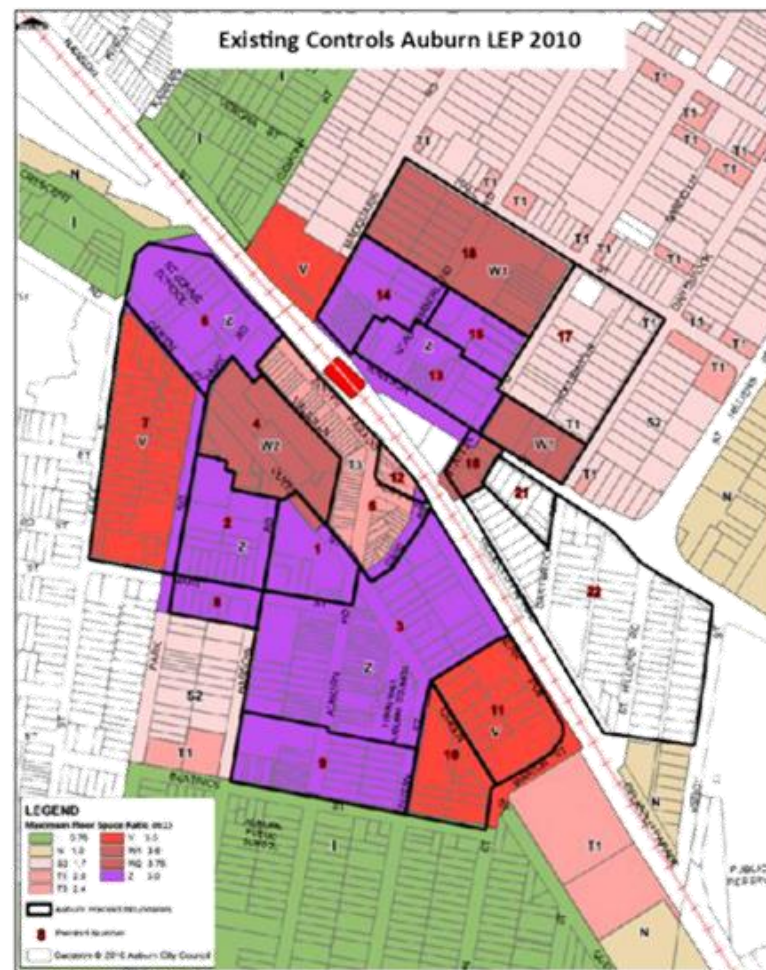
## AUBURN TOWN CENTRE - ZONING



◇ recommended change to zoning post-exhibition

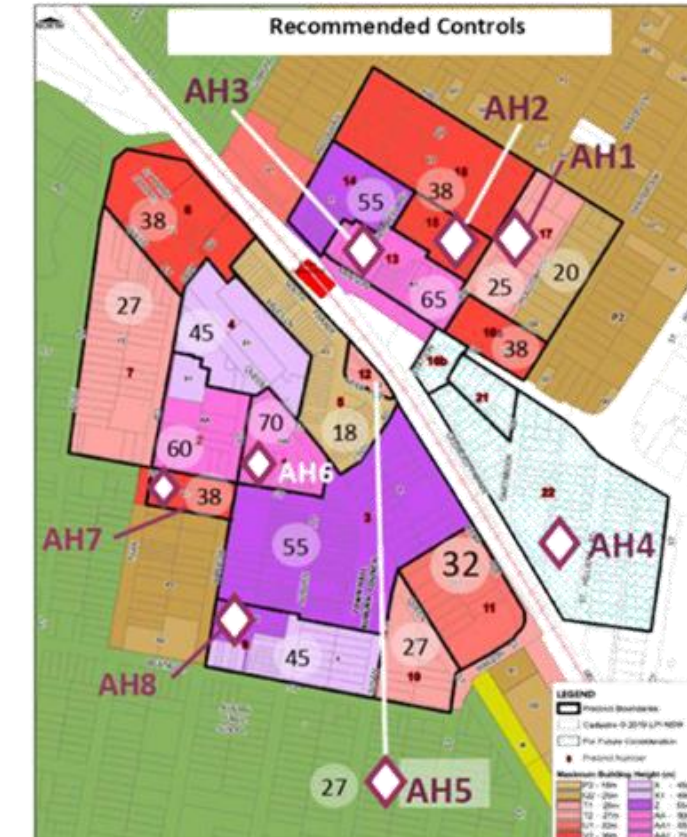


## AUBURN TOWN CENTRE - FSR





## AUBURN TOWN CENTRE - BUILDING HEIGHT



◇ recommended change to Height post-exhibition

Height in metres	Approximate number of storeys	Height in metres	Approximate number of storeys
9	2-3	45	13-14
20	5-6	50	15-16
25	6-7	55	16-17
29	8-9	60	18-19
36	10-11	65	20
38	11-12	70	21



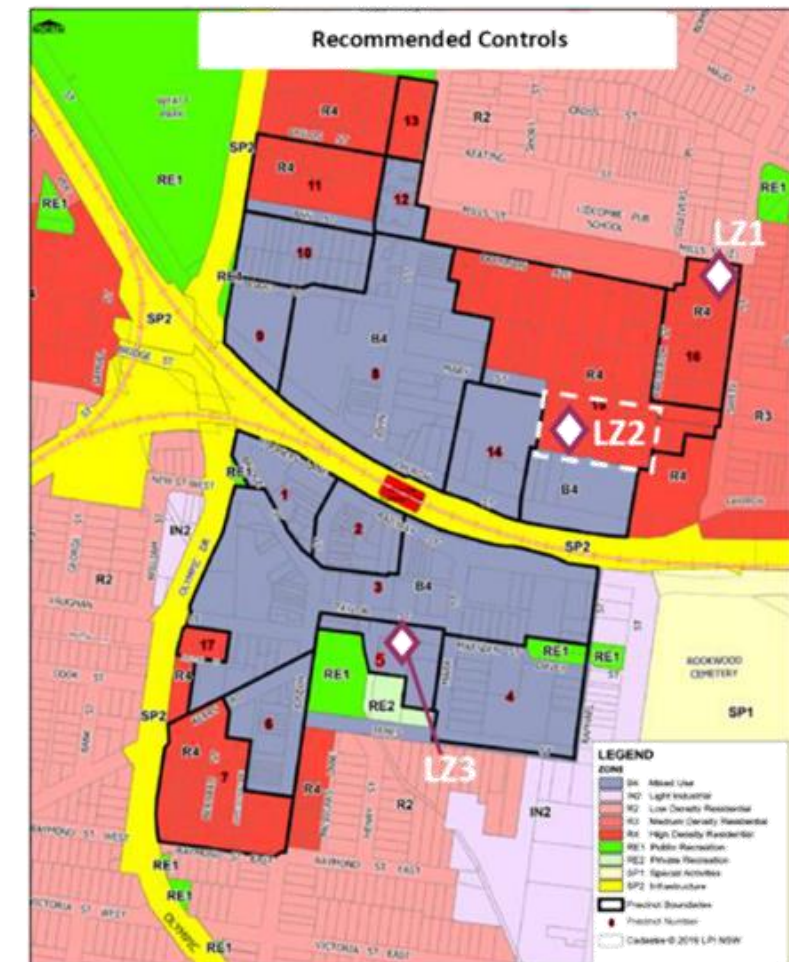
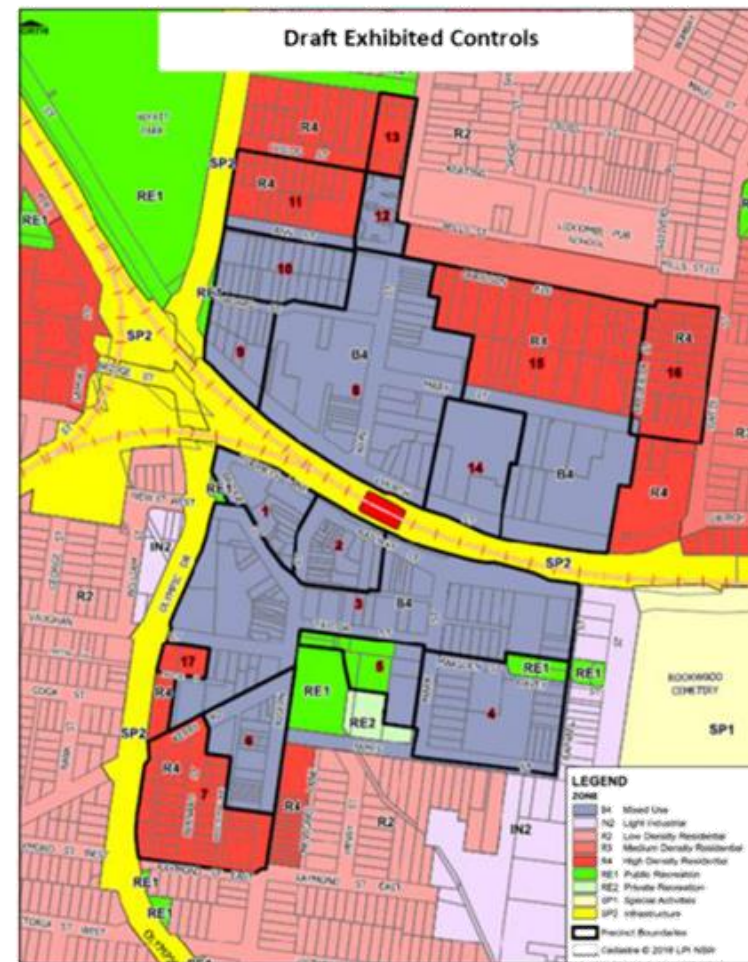
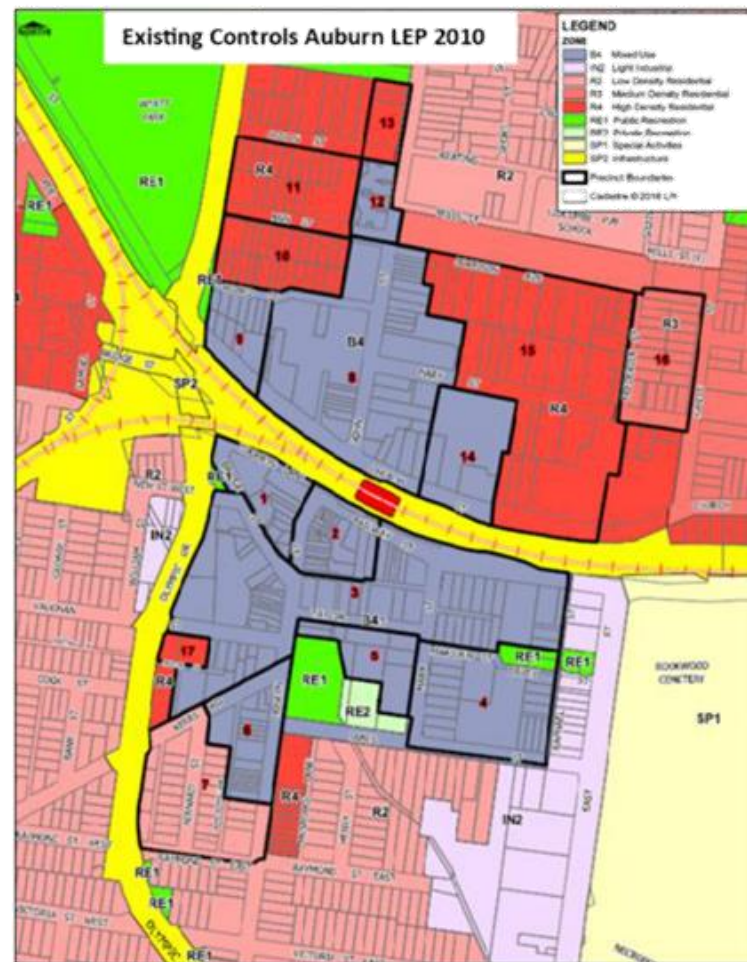
## AUBURN TOWN CENTRE - INDICATIVE VIEW



 Areas that require further review



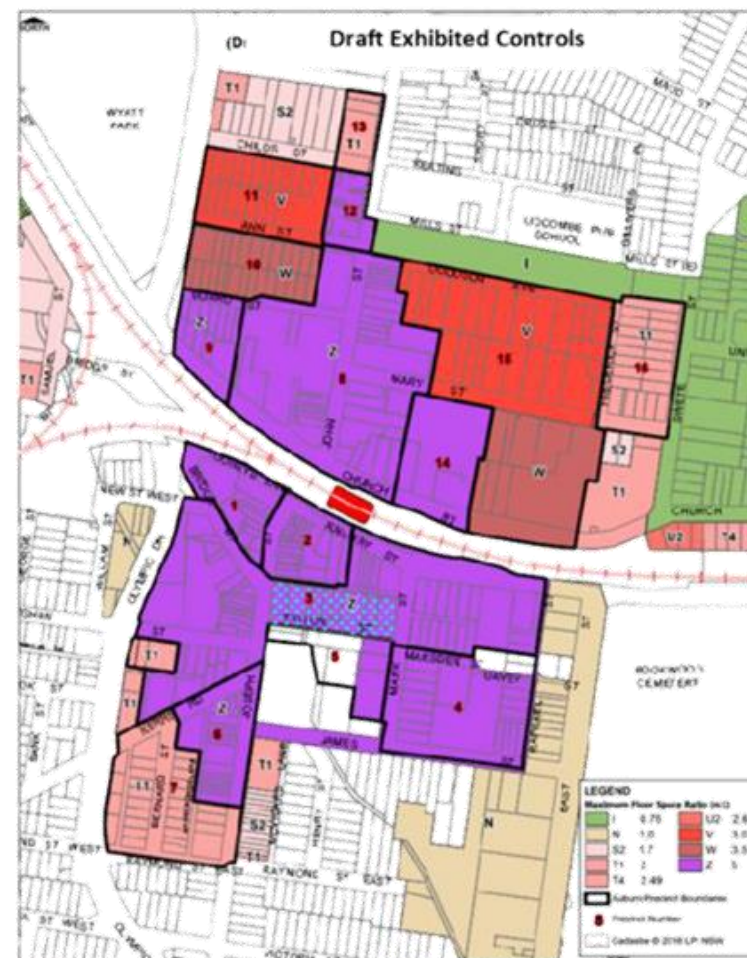
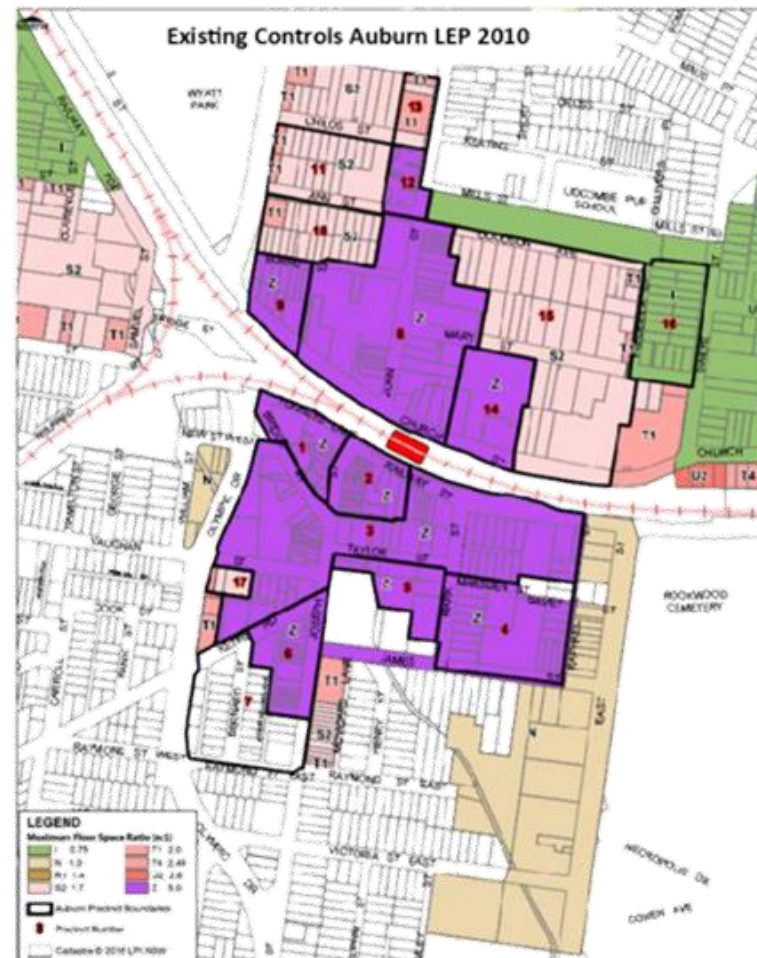
## LIDCOMBE TOWN CENTRE - ZONING



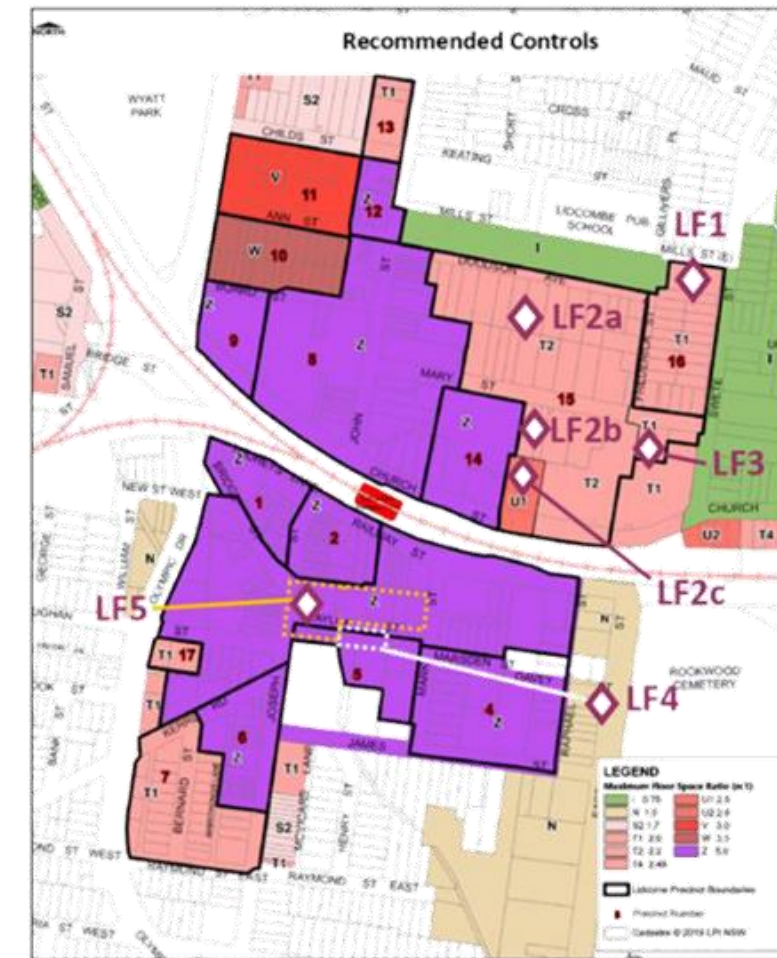
◇ recommended change to zoning post-exhibition



## LIDCOMBE TOWN CENTRE - FSR



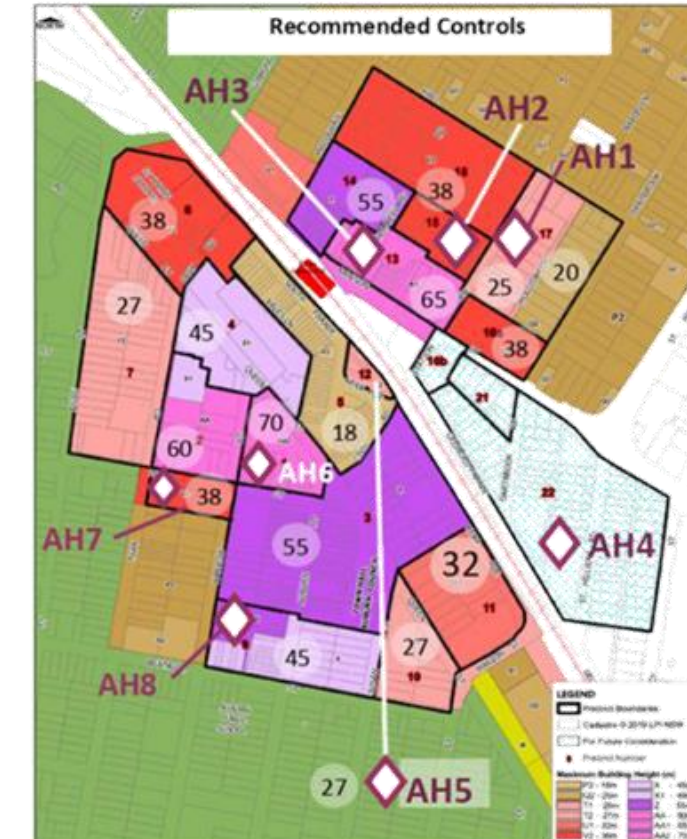
Control to investigate a reduction in FSR for the part of precinct 1



◇ recommended change to FSR post-exhibition



## AUBURN TOWN CENTRE - BUILDING HEIGHT



Height in metres	Approximate number of storeys	Height in metres	Approximate number of storeys
9	2-3	45	13-14
20	5-6	50	15-16
25	6-7	55	16-17
29	8-9	60	18-19
36	10-11	65	20
38	11-12	70	21



## AUBURN TOWN CENTRE - INDICATIVE VIEW



 Areas that require further review



ATTACHMENT Summary of recommended changes (which vary from those exhibited)

AUBURN TOWN CENTRE

Map ref	Location	Recommendation	Rationale
<b>1. Auburn Town Centre - Zoning</b>			
AZ1	Precinct 17 Station Road/Hall Street/Holiday Lane	<i>Recommendation: B4 Mixed Use (west of Holiday Lane only)</i> - currently R4 High Density Residential - exhibited as R4 High Density Residential	Both sides of Station Road will be able to have mixed use development, reflecting this street's central location within Auburn Town Centre and its role as one of the key northern entry points to the centre.
AZ2	Precinct 21 and Precinct 22 Rawson Street, Percy Street, Gellibolu Parade	<i>Recommendation: for further consideration</i> - currently R2 Low Density Residential - exhibited as R3 Medium Density Residential	The capacity of this precinct is potentially constrained by traffic access and the objective of maintaining significant view lines to the Gallipoli mosque. A view line analysis of this precinct has been completed and a draft traffic study is currently being reviewed by the RMS, both of which will be reported to Council shortly for consideration.
<b>2. Auburn Town Centre - FSR</b>			
AF1	Precinct 17 Station Road/Hall Street/Holiday Lane	<i>Recommendation: 3.6:1 (west of Holiday Lane only)</i> - currently 1.7:1, 2:1 on corner lots - exhibited as 2.1:1	An FSR of 3.6:1 continues the FSR on the western side of Station Road to the eastern side of the road, whilst still maintaining a transition to the lower FSR of 2.1:1 on the eastern side of Holiday Lane. As Station Road is one of the main entry points to the town centre from the north, and this block is close to the town centre core, a slightly higher density fronting both sides of Station Road is considered appropriate.
AF2	Precinct 15 Mid-block between Northumberland and Station Roads	<i>Recommendation: 5:1 (retain existing FSR)</i> - currently 5:1 - exhibited as 5:1 with a recommendation to defer consideration	This precinct is predominantly Council owned land. At the time of public exhibition, the former Auburn City Council had not made a decision on the future of this land. No direction from Council has since arisen, thus retaining the existing FSR of 5:1 is recommended.
AF3	Precinct 16b, 21 and 22 16b south east of Station Road - Rawson Street 21 Rawson Street, Dartbrook Road, laneways 22 Rawson and Percy Streets, Gellibolu Parade	<i>Recommendation: for further consideration</i> - currently 3.6:1 (16b), no FSR (Precincts 21 and 22 - R2 zone) - exhibited as 3.6:1 (16b), 2.1:1 (Precinct 21), and 0.75:1 (Precinct 22).  [0.75:1 is the standard FSR control for the R3 zone under Auburn I FP 2010]	As per zone comment for these precincts.

1

ATTACHMENT Summary of recommended changes (which vary from those exhibited)

Map ref	Location	Recommendation	Rationale
<b>Auburn Town Centre – FSR (continued)</b>			
AF4	Precinct 8 lots zoned B4 fronting southern side of Mary St	<i>Recommendation: 5:1 (retain existing FSR)</i> - currently 5:1 - exhibited as 3:1	This precinct was exhibited with a proposed FSR of 3:1 with the view to creating a better transition in scale to the land zoned R4 High Density Residential immediately to the south. Retention of the existing 5:1 FSR control is recommended as reductions in FSR are usually only considered in extenuating circumstances, and in this case, smaller lots sizes will contribute to a transition in scale, together with detailed assessment at the development application stage.
AF5	Precinct 6 South Parade, Alice Street, Queen Street and Park Road	<i>Recommendation: 5:1 (retain existing FSR)</i> - currently 5:1 - exhibited as 3:1	This precinct was exhibited with a proposed FSR of 3:1 with the view to creating a better transition in scale to the R3 zoned land to the west and the lower scale development to the east along South Parade. Retention of the existing 5:1 FSR control is recommended as reductions in FSR are usually only considered in extenuating circumstances, and the existing school at the north western end of this precinct provides a transition in scale to the lower density development further west. A transition in scale to South Parade on the eastern side is not considered critical due to the predominance of business uses which are considered less sensitive to variations in scale on adjoining land. In addition, development within this precinct has since proceeded under the current planning controls.
<b>3. Auburn Town Centre - Height</b>			
AH1	Precinct 17 Station Road/Hall Street/Holiday Lane	<i>Recommendation: 25m</i> currently 18m/20m corners - exhibited as 20m	A minor increase in maximum building height is recommended commensurate with the recommended minor increase in FSR.
AH2	Precinct 15 Mid-block between Northumberland and Station Roads	<i>Recommendation: 38m (retain existing height)</i> - currently 38m - exhibited as 38m with a recommendation to defer consideration	As above. No direction from Council has arisen in the intervening period which would require a review of the existing maximum building height control, thus retaining the existing height of 38m is recommended.

2

ATTACHMENT Summary of recommended changes (which vary from those exhibited)

Map ref	Location	Recommendation	Rationale
<b>Auburn Town Centre – Height (continued)</b>			
AH3	Precinct 13 northern side of Rawson Street and west of Station Road	<i>Recommendation: 65m</i> - currently 38m - exhibited as 55m	In response to submissions received, a number of sites in the core of both centres were reviewed and a modest increase in height over what was exhibited is recommended for these sites. This additional height will assist in achieving better design outcomes with the existing 5:1 FSR, which is considered relatively high for town centres of this scale.
AH4	Precinct 16b, 21 and 22 16b south east of Station Road - Rawson Street 21 Rawson Street, Dartbrook Road, laneways 22 Rawson and Percy Streets, Gellibolu Parade	<i>Recommendation: for further consideration</i> currently 32m (Precinct 16b), 9m (Precincts 21, 22) - exhibited as 38m (Precinct 16b), 20m (Precinct 21), 9m Precinct 22)	As per zoning comment for these precincts.
AI15	Precinct 12 Station Road, Kerr Parade, Auburn Road	<i>Recommendation: 27m</i> - currently 18m - exhibited as 18m	This site is constrained in terms of access and topography. No change to FSR is recommended, however additional height in this location will assist in achieving better design outcomes, given these constraints.
AH6	Precinct 1 Auburn Road, Mary Street, Park Road, Queen Street	<i>Recommendation: 70m</i> currently 49m - exhibited as 60m	In response to submissions received, a number of sites in the core of both centres were reviewed and a modest increase in height over what was exhibited is recommended for these sites. This additional height will assist in achieving better design outcomes with the existing 5:1 FSR, which is considered high for town centres of this scale.  This site is the key site in Auburn Town Centre on the southern side of the station. Modelling indicates that a maximum building height of 70 metres together with the existing FSR of 5:1 will result in a design outcome that meets the SEPP 65 Apartment Design Guide requirements, delivers public open space of a useable size as identified in Council's DCP, and will minimise adverse impacts on the public domain of Auburn Road or Queen Street.

3

ATTACHMENT Summary of recommended changes (which vary from those exhibited)

Map ref	Location	Recommendation	Rationale
<b>Auburn Town Centre – Height (continued)</b>			
AH7	Precinct 8 lots fronting southern side of Mary Street	<i>Recommendation: 38m (retain existing height)</i> - currently 38m - exhibited as 32m	It is recommended that the existing FSR be retained, and as such, it is recommended that the existing height of 38 metres also be retained.
AH8	Precinct 9 small part: 93 - 105 Auburn Rd/118 Harrow Rd	<i>Recommendation: 55m</i> - currently 36m - exhibited as 45m	The Land and Environment Court recently approved a development application at 93 - 105 Auburn Rd/118 Harrow Rd Auburn with a height of 56.7m. A height of 55m is recommended for this site, to reflect this determination.

4

ATTACHMENT Summary of recommended changes (which vary from those exhibited)

**LIDCOMBE TOWN CENTRE**

Map ref	Location	Recommendation	Rationale
<b>4. Lidcombe Town Centre – Zoning</b>			
LZ1	Precinct 16 small extension to include the lot immediately south of Mills Street (known as 16b)	<i>Recommendation: R4 High Density Residential</i> - currently R3 Medium Density Residential - exhibited as R3 Medium Density Residential	In response to a submission received, it is recommended that the adjacent R4 zone be extended to the southern side of Mills Street, to include the last remaining allotment.
LZ2	Precinct 15 Part 15b1 only south of and fronting Mary Street	<i>Recommendation: R4 High Density Residential</i> - currently R4 High Density Residential exhibited as B4 Mixed Use	This land was exhibited as B4 Mixed Use due to its proximity to Lidcombe Station, however in response to submissions received, including concerns raised by the nearby school, it is recommended that the current R4 zone be retained.
LZ3	Precinct 5 5c (eastern part) between Taylor Street and Remembrance Park	<i>Recommendation: B4 Mixed Use (retain existing)</i> - currently B4 Mixed Use - 5c eastern part exhibited RE1 Public Recreation, (remainder of 5c was exhibited as B4)	This site is adjacent to Remembrance Park. It was exhibited as RE1 Public Recreation, however in response to a submission from the landowner it is recommended that the current zoning be retained. If Council is able to negotiate the expansion of Remembrance Park in the future, then the zoning can be adjusted at that time.
<b>5. Lidcombe Town Centre – FSR</b>			
LF1	Precinct 16 16b small extension to include the lot immediately south of Mills Street	<i>Recommendation: 2:1 (adjacent FSR)</i> - currently 0.75:1 - exhibited as 0.75:1	In response to a submission received, and the above recommendation to extend the adjacent R4 zone to the southern side of Mills Street, it is also recommended that adjacent FSR of 2:1 be extended to include this last remaining allotment.
LF2a LF2b LF2c	Precinct 15 part 15a north of Mary Street and part 15b1, 15b2, and 15c south of Mary Street	<i>Recommendation: 2.2:1 (for part 15a, part 15b1 and 15b2); 2.5:1 (part 15c)</i> - currently all 1.7:1 - exhibited as 3:1 (part 15a) and 3.5:1 (part 15b1, 15b2, and 15c)	In response to submissions received, including from the adjacent school, a lower FSR of 2.2:1 is recommended for most of Precinct 15, with 2.5:1 recommended for part 15c. This recommended FSR, whilst lower than the FSR exhibited, is higher than the current FSR of 1.7:1, recognising this precinct's proximity to Lidcombe Station and central location within Lidcombe Town Centre.
LF3	Precinct 15 east 31 and 33 Mary Street	<i>Recommendation: 2:1 (adjacent FSR)</i> - currently 1.7:1 - exhibited as 1.7:1	As exhibited, these two lots are a small isolated parcel with an FSR lower than surrounding land in all directions. In response to a submission, it is recommended that the adjacent FSR of 2:1 be extended to these two lots.

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ATTACHMENT Summary of recommended changes (which vary from those exhibited)

Map ref	Location	Recommendation	Rationale
<b>Lidcombe Town Centre – FSR (continued)</b>			
LF4	Precinct 5 5c (eastern part only) - land fronting Taylor Street	<i>Recommendation: 5:1 (retain existing FSR)</i> - currently 5:1 - exhibited as "Council to consider a reduction in FSR for this part of precinct 3".	As noted above, if in the future Council negotiates an expansion of Remembrance Park, then the LEP controls can be adjusted at that time. Retention of the existing controls is recommended.
IF5	Precinct 5 (part) and Precinct 3 (3c eastern part) around Taylor Street	<i>Recommendation: 5:1 (retain existing FSR)</i> - currently 5:1 - exhibited as 5:1 with a notation "Council to investigate a reduction in FSR for this part of Precinct 3"	Options for a reduction in FSR in this area were investigated, and whilst the precinct has some constraints in terms of access, heritage and location to the north of Remembrance Park, it is recommended that the existing FSR of 5:1 be retained. Design outcomes will be assessed at the development application stage, and managed through the application of appropriate DCP controls.
<b>6. Lidcombe Town Centre – Height</b>			
LH1	Precinct 16 16b extension of Precinct 16 - Mills and Swete Street, allotment immediately south of Mills Street	<i>Recommendation: 20m</i> currently 9m exhibited 9m	Recommended extension of Precinct 16 to include last remaining lot south of Mills Street. In response to a submission received, and the above recommendation to extend the adjacent R4 zone and adjacent FSR of 2:1 to the southern side of Mills Street, it is also recommended that adjacent maximum building height control of 20 metres also be extended to include this last remaining allotment.
LH2a LH2b LH2c	Precinct 15 15a: Doudson Avenue, and Frederick and Mary Streets; 15b1: mid-block, south of Mary Street, between Mary and Church Streets; and 15b2: mid-block, fronting Church Street 15c: mid-block, fronting Church Street, east of precinct 14	<i>Recommendation: 29m (part 15a, 15b1 and 15b2); 36m (part 15c)</i> - currently 18m - exhibited as 32m (part 15a) and 38m (part 15b1, 15b2, and 15c)	In response to submissions received, including from the adjacent school, a lower height of 29m than the exhibited heights of 32 and 38 metres is recommended, proportionate to the recommended FSR of 2.2:1. 29 metres is higher than the existing 18 metre maximum building height limit, recognising this precinct's proximity to Lidcombe Station and central location within Lidcombe Town Centre, whilst responding to concerns raised during exhibition.

ATTACHMENT Summary of recommended changes (which vary from those exhibited)

Map ref	Location	Recommendation	Rationale
<b>Lidcombe Town Centre – Height</b>			
LH3	Precinct 14 small mid-block precinct between Church Street and Mary Street	<i>Recommendation: 38m</i> - currently 32m - exhibited as 55m	In response to submissions received, including from the nearby school, a lower height of 38m is recommended. Whilst lower than the 50 metre height exhibited, the recommended 38 metre maximum building height is a small increase on the current 36 metre height control.
LH4	Precinct 8 part 8a between Mary Street and Doodson Avenue, east of John Street  [Note: part 8c west of Joseph Street/ south of Board Street addressed below]	<i>Recommendation: 38m (part 8a)</i> - currently 36m - exhibited as 50m  (no change to height for part 8b)	A lower maximum building height (38 metres) than the exhibited 50 metres is recommended in response to concerns raised by the nearby primary schools relating to overshadowing of school grounds. The recommended 38 metres is a small increase on the existing 36 metre maximum building height control.
LH5	Precinct 8 (part 8c) and Precinct 9 (Dooleys site)	<i>Recommendation: 70m</i> - currently 60m (Precinct 9) and 36m (Precinct 8, part 8c) - exhibited as 60m.	This is the key site on the northern side of the rail line, and a small increase in height (to a maximum of 70 metres) is recommended (from the 60 metres exhibited). This height together with the large footprint of this site should result in very strong design outcomes with the existing 5:1 FSR.
LH6	Precinct 1 Bridge Road, Tooheys Lane, Joseph Street	<i>Recommendation: 70m</i> - currently 36m - exhibited as 60m	This is the key precinct on the southern side of the rail line. A small increase in height is recommended following review of the exhibited planning controls, to correspond to the 5:1 FSR in this core of centre location.
LH7	Precinct 2 land fronting Railway Street between Joseph Street and the station	<i>Recommendation: 65m</i> - currently 32m - exhibited as 55m	Small proportionate increase in height is recommended. This will maintain the transition in height from the centre core to the periphery, and is considered appropriate given this part of the precinct's location directly opposite Lidcombe station.

ATTACHMENT Summary of recommended changes (which vary from those exhibited)

Map ref	Location	Recommendation	Rationale
<b>Lidcombe Town Centre – Height</b>			
LH8a LH8b LH8c LH8d	<b>Precinct 3</b> 3a: fronting Railway Street between the station and Mark Street; 3b: Railway, Raphael, Davey-Marsden and Mark Streets; 3c: east of Joseph Street and around Taylor Street; and 3d: Bridge, Joseph and Vaughan Streets	<i>Recommendation:</i> <i>part 3a: 60m</i> <i>part 3b: 50m</i> <i>part 3c: 38m</i> <i>part 3d: 65m</i> - currently 32m (part 3a, 3b and 3c) and 36m (part 3d) - exhibited as 55m (part 3a and 3d); 45m (part 3b); and “38m + to be determined” (part 3c).	A small, proportional increase in height is recommended for parts a, b and d of this precinct to facilitate a transition in heights down from the core to the centre to the periphery. Part c is a more constrained area of this precinct, being immediately north of Remembrance Park and including a heritage item (former Lidcombe Post Office), and a small height increase is recommended to again facilitate improved design outcomes with the recommended existing 5:1 FSR control.
LH9	<b>Precinct 5</b> Between Taylor Street and Remembrance Park	<i>Recommendation: 32m (retain existing height)</i> - currently 32m - exhibited as “no height; to be determined”	The exhibition of this area with no height control was directly related to the exhibited RE1 Public Recreation control. In response to submission and discussions with the landowner, it is recommended that the existing height control for this area be retained. Retaining the existing controls would not prevent a revision of these controls in the future should Council be able to negotiate an expansion of the park.
LH10	<b>Precinct 7</b> Kerr's Road, Joseph Street, Raymond Street East	<i>Recommendation: 25m</i> - currently 9m - exhibited as 20m	Minor increase in height (maximum height of 25 metres) is recommended over what was exhibited (20 metres) to encourage better design outcomes.

# DOCUMENTS ASSOCIATED WITH REPORT C04/19-64

## Attachment 2 Submissions received during public exhibition







### SUMMARY OF GENERAL SUBMISSIONS

Overall view/ Number of submissions	Submission issue	Response
Object to Process  (raised in 4 submissions)	<p>Object that:</p> <ul style="list-style-type: none"> <li>consultation was not reasonable - only the residents of affected sites were notified, rather than the wider communities, such as Boralua and Regents Park</li> <li>the documents are complex and quite technical making it hard to understand</li> <li>the local paper does not go out to all residents</li> <li>notification was 'hidden' in the Council advertisement</li> <li>more effort should be made to engage residents for whom English is not their first language</li> <li>an extension of time should be granted and discussions held with the wider community.</li> </ul> <p>Consultation is not adequate:</p> <ul style="list-style-type: none"> <li>define what each zone means</li> <li>identify heights by storeys, not just in metres</li> <li>slimmer buildings with space and low rise around them can be appealing, but floor space ratios are resulting in 'fat' buildings occupying the entire street frontage.</li> <li>disappointed that Lidcombe materials were not on display at the Auburn workshop</li> <li>developer driven DAs negate and fragment planning process</li> <li>the town centre boundaries should be discussed with the community and agreed boundaries adhered to</li> <li>most residents have limited time for this project - it is requested that our thoughts are filed as they come to mind, and collated from comments on previous DAs, rather than</li> </ul>	<p><b>Noted and addressed below. Minor changes recommended</b></p> <p>The draft Strategy was exhibited from Tuesday 7 February 2017 to Wednesday 8 March 2017. Notification of exhibitions in local newspapers is consistently in the Council notices section, alongside details of development applications and other Council projects on public exhibition.</p> <p>Exhibition material was available on Council's website, at Council offices and local libraries. Individual notification letters were sent to an area well beyond the two town centres (as far as Cardigan St in Auburn and Nottinghill Rd in Lidcombe).</p> <p>The letters included basic information on the proposal in 5 languages other than English (widely spoken in this part of Cumberland). Two evening information workshops were held, (one per centre), where staff were available to answer questions and explain the proposed changes.</p> <p>The zones are defined in the Auburn Local Environmental Plan (LEP), however a brief explanation can be included in the Council report and final documents to provide more context. A table can be added to provide a guide to the relationship between building height and number of storeys, noting that it will not be definitive, as it varies according to the mix of uses.</p> <p>The Strategy seeks to improve the relationship between height and FSR in Auburn and Lidcombe town centres, with the primary objective of improving building designs, including slimmer buildings which have a better relationship to the street.</p> <p>The Lidcombe materials were available at the Auburn workshop and vice versa.</p> <p>There are a number of steps and future opportunities for</p>

ATTACHMENT

Overall view/ Number of submissions	Submission issue	Response
Object to Process  (continued)	<p>providing a timeframe in which to respond to a specific strategic project.</p> <ul style="list-style-type: none"> <li>Council and the community should identify pinnacle sites, then Council should buy the land, prepare an ideal DA then sell it to a developer who agrees to the DA limits.</li> </ul>	<p>consultation and public comment. If Council resolves to proceed with the Strategy, formal public consultation will be required (post-Gateway) as part of the process to amend the Local Environment Plan (LEP).</p> <p>The boundaries of the study area primarily follow the existing town centre boundaries which largely align with the boundaries of the B4 Mixed Use zones in both centres</p> <p>The purchase of land by Council is a policy decision to be made at the appropriate time</p>
	Council is requested to ask the local paper why residents across the Lidcombe/Auburn area are not receiving the Auburn Review	Whilst not directly related to this study, the Auburn Review was contacted and advised that their distribution area covers all of Auburn and Lidcombe to the southern end of Botanica
Object to timing and decision making  (raised in 3 Submissions)	<p>Object to timing of the draft Strategy:</p> <ul style="list-style-type: none"> <li>it should only be introduced after a Council is elected. An appointed administrator should not make significant decisions of this type</li> <li>significant doubts about any long term planning associated with the former Auburn City Council - the inquiry should run its course before decisions are made.</li> <li>it is noted that the JBA study was commissioned and completed during the time of the compromised Auburn City Council.</li> </ul>	<p><b>Noted and addressed below. No change recommended.</b></p> <p>Whilst the draft Strategy was exhibited while Cumberland Council was under Administration, any decisions about the study recommendations will be made by the elected Councillors. The Public Inquiry has now been completed.</p> <p>The JBA Study was a preliminary background study. Whilst aspects of this study have been used to inform the draft Strategy, a significant amount of additional work has also been undertaken in the preparation of the Strategy.</p> <p>The draft Strategy was also considered by the Cumberland Independent Learning and Assessment Panel (ILAP) in November 2016 which recommended further changes. The draft Strategy was then reported to Council for consideration prior to public exhibition</p>

ATTACHMENT

Overall view/ Number of submissions	Submission issue	Response
Support for heights  (10 form letters and 2 submissions)	<p><i>Form letters:</i> Support the draft Strategy:</p> <ul style="list-style-type: none"> <li>recognises need for growth in centres</li> <li>maximises FSR without compromising efficient design principles or modifying additional land use zones</li> <li>eliminates need for 'spot rezoning' in the centres</li> <li>Will help the town centres meet design and population growth needs.</li> </ul> <p><i>Submissions:</i> Support the draft Strategy, as our work on various projects in these centres over the last 5 years has led our architects to recognise the need for increased permitted heights to better achieve key urban design and SEPP 65 objectives.</p> <p>To grow, Auburn needs to change the building height restrictions. We need more bridges across rail lines and better road structures to support the increased population.</p>	<b>Support noted.</b>
Object to heights  (raised in 6 submissions)	<p>Object to proposed heights.</p> <ul style="list-style-type: none"> <li>Lidcombe is already unattractive, and higher, more crowded buildings will have a detrimental effect.</li> <li>Lidcombe and Auburn are aesthetically worse than 10 years ago with the new buildings. Draft Strategy does nothing to add a Coles (long promised by Council) or other facilities. No additional height should be given.</li> <li>no reason why high rise zones should be close to the station. Spreading them over the suburb makes more sense to avoid causing trouble to locals living near the station</li> <li>unhealthier for occupants - the higher you work or live in a building, the less likely you are to go to the street for a walk and the healthier you are. These developments will simply warehouse workers near a station to shuttle them on an overcrowded service to the city.</li> <li>draft Strategy will encourage development and may</li> </ul>	<p><b>Noted and addressed below. Some decreases in building heights are recommended.</b></p> <p>Development for high rise residential must comply with SEPP 65 and the Apartment Design Guide (ADG). In Auburn and Lidcombe town centres, however, the mismatch between existing FSRs and heights results in blocky, shorter buildings. Increasing heights will allow for better building design.</p> <p>Whilst the draft Strategy cannot specifically facilitate a supermarket, there are a number of sites which are sufficient in size to accommodate a supermarket</p> <p>Location of taller buildings close to stations maximises the proportion of the population able to walk to public transport and other services, reducing reliance on the car and providing health benefits.</p>

ATTACHMENT

Overall view/ Number of submissions	Submission issue	Response
Object to heights (continued)	<p>increase density – no evidence of ‘density well done’</p> <ul style="list-style-type: none"> <li>shopping streetscape in both centres should be maintained at 2 storeys</li> <li>many residents prefer a maximum of 5 storeys in Auburn</li> <li>high rise (3+ storeys) should be limited to 500m walk from station</li> <li>Auburn should have an umbrella skyline from the roof of Auburn Primary School, the Baptist Church tower and roof of Auburn Central</li> <li>B4 and R4 zones should have subzones with different heights: 6 storeys, 12 storeys (general town centre limit)</li> <li>developers should be required to buy the airspace over adjoining properties to prevent rows of 12 storey buildings.</li> </ul>	<p>Some decreases in building heights are recommended in response to issues raised in submissions; however, not to the extent sought in this submission. The existing heights permitted under the current planning controls for both centres allow more than five storeys. Given the relatively high FSRs in both centres, reducing the height would adversely impact on building design outcomes.</p> <p>The heights recommended seek to create a transition in building height, stepping down from the core of each centre to lower scale building heights towards the edge of the centres.</p>
Object to heights <u>and</u> density  (Petition with 39 signatures) <i>Note: Some petition signatories also sent individual submissions</i>	<p>Object to increasing heights in Lidcombe Town Centre, due to:</p> <ul style="list-style-type: none"> <li>insufficient school capacity</li> <li>inadequate parking</li> <li>lack of Infrastructure to support so many more residents</li> </ul> <p>To address density and bulky buildings the FSR should be reduced.</p> <p>No further large scale developments should be approved in Lidcombe until the above issues are addressed.</p>	<p><b>Noted and addressed below. No change recommended.</b></p> <p>Council continues to advocate for and work collaboratively with the NSW government in terms of public school infrastructure and capacity.</p> <p>Reducing FSRs requires extenuating circumstances. The Strategy seeks to improve the relationship between height and FSR controls to achieve better building designs in these centres</p> <p>Each new development must incorporate an appropriate amount of parking. Council's planning controls set out the required rates for each type of development.</p>
Support for Strategy  (raised in 1 submission) (continued)	<p>On behalf of 2 owners (precinct 15), this submission endorses the methodology and recommendation of the draft strategy, and that it is worthy of informing a Draft LEP for Lidcombe centre.</p> <p>A DCP should be prepared providing design criteria to reflect the objectives of the Lidcombe town centre and to ensure high quality urban renewal of the town centre.</p>	<p><b>Support noted.</b></p>

ATTACHMENT

Overall view/ Number of submissions	Submission issue	Response
Object to Strategy  (raised in 1 submission)	<p>The proposal is purely to provide affordable housing, but there is already a considerable amount of affordable housing already in Auburn and Lidcombe.</p> <p>It is also a "cash grab" for rates, given the loss of income through amalgamations, without regard to the amenity of residents.</p>	<p><b>Noted and addressed below. No change recommended.</b></p> <p>The draft Strategy does not specifically facilitate the provision of affordable housing. Council has, however, since adopted an <i>Interim Affordable Housing Policy</i> and a <i>Planning Agreements Policy and Guideline</i> which seek to facilitate affordable housing across Cumberland.</p> <p>The Strategy provides for a minor increase in dwelling numbers, and as such, there will be only be a limited increase in rates income, mostly as a result of the increased commercial components to support the economic growth of the town centres.</p>
Object to dwelling mix  (raised in 1 submission)	<p>New apartment developments consist mainly of 2 bedroom flats, despite the fact that this area has one of the highest birth rates in the country. This means the handful of 3 bedroom units are ridiculously expensive to rent.</p> <p>Before encouraging new development, I want to see evidence that Council can reverse this situation so most new units are 3 bedrooms.</p>	<p><b>Noted.</b></p> <p>Council's current planning controls encourage a mix of unit sizes. The mix of unit sizes is influenced by market demand and development feasibility.</p>
Concerns about lack of business diversity and convenience  (raised in 1 submission)	<p>Increasing density is sold as a way to enliven a suburb and increase services. But this has not been the case in Lidcombe 30 years ago, with a much smaller population, we had 3 medium sized supermarkets, butchers, a fruit shop, various doctors and small businesses. All but one butcher have gone. Basic groceries are not available in walking distance, so residents drive to Auburn, Chullora or Bankstown to shop.</p> <p>Change can be a good thing, but we need positives. One would be more diversity in the types of shops, reflecting the multicultural population.</p>	<p><b>Noted.</b></p> <p>Whilst Council would like to see a mixed of shops and other day to day services in each town centre, Council cannot control the type of shops. There are a number of sites within Lidcombe town centre which are the subject of current or likely future planning proposals which will hopefully result in an increased mix of shops and other services in the near future.</p> <p>Council's planning controls supports a range of land uses in the town centre, however, the mix of shops is influenced by external factors.</p>



ATTACHMENT

Overall view/ Number of submissions	Submission issue	Response
Object to and concern about impact on schools  (raised in 4 submissions)	<p>Concerned about the cumulative increases in traffic generation should additional development occur within the vicinity of local Catholic Schools (St John's Primary, Trinity College and St Joachim's Primary) and the impact on pedestrian and student safety.</p> <p>Concerned about the bulky appearance of buildings, and the potential for overlooking and overshadowing of school sites.</p>	<p><b>Noted. A reduction in height and FSR controls for land near the primary schools in Lidcombe is recommended.</b></p> <p>The Strategy proposes minimal change to densities within the town centres. In response to comments received during exhibition, a reduction in heights and some FSRs near the two primary schools in Lidcombe is proposed. The land surrounding St John's Primary and Trinity College in Auburn is largely developed already, and no changes to the existing controls are proposed.</p> <p>The potential for overlooking and overshadowing of adjoining land (including schools), as well as pedestrian safety will continue to be assessed at the development application stage.</p>
Object to lack of open space  (raised in 4 submissions)	<p>No mention of need for additional open space for the increased population which is critical for physical and mental health:</p> <ul style="list-style-type: none"> <li>local recreational areas are inadequate. Phillips Park, Lidcombe, is not in the immediate area of the proposed high and medium density areas</li> <li>with many more families living in apartments there is a need for areas where children can play and people can sit in groups.</li> </ul>	<p>On the southern side of the railway in Lidcombe is Remembrance Park. The potential to open up Remembrance Park to the north will be subject to further discussion with landholders. On the northern side of the railway in Lidcombe, there will be more reliance on future development activity to provide open space.</p> <p>An additional area of public open space in Auburn town centre is identified in Council's planning controls (corner of Queen Street and Auburn Road). This will add to the existing play spaces and seating recently installed by Council as part of the Auburn town centre public domain upgrade.</p>
Object to impact on space and light  (raised in 1 submission)	<p>Object to the draft Strategy:</p> <ul style="list-style-type: none"> <li>it 'rips off' new buyers by reducing space</li> <li>it reduces the green space and light</li> <li>Lidcombe already has massive development – eg Dooleys</li> </ul>	<p><b>Noted. No change recommended.</b></p> <p>There is no proposal to reduce any public green space. All developments in the R4 High Density Residential zones are required to have a minimum amount of deep soil area for green space. Apartment buildings are also required to have common and private open spaces, and minimum standards of solar access are required.</p>

ATTACHMENT

Overall view/ Number of submissions	Submission issue	Response
Object to lack of infrastructure  (raised in 13 submissions)	<p>Object to draft Strategy as it will result in overdevelopment and exacerbate the existing infrastructure problems.</p> <ul style="list-style-type: none"> <li>increasing population by raising heights will increase traffic pressure in centres, exacerbated by the WestConnex toll</li> <li>intersections of Harrow Rd/Beatrice St and Harrow Rd/Helena St should be upgraded.</li> <li>it is difficult get around Lidcombe on foot, especially for mobility impaired - 401 bus services at night or Sundays to connect to the train service would assist</li> <li>trains are already at capacity and there is a lack of parking</li> <li>existing school capacity in both centres (primary, high school) is insufficient: a co-ed public high school is needed</li> <li>Auburn Hospital is already at capacity</li> <li>Police resources are already too stretched.</li> <li>childcare, library services, neighbourhood centre and community services will need a considerable injection of Council resources</li> <li>increased mixed use and dwellings will result in increased waste. Council waste services are poor now, and would require substantial resources to address the problem</li> <li>drainage and electricity infrastructure in Lidcombe will not cope.</li> </ul> <p>The following would improve outcomes:</p> <ul style="list-style-type: none"> <li>increased car spaces provided in new developments</li> <li>bring back the direct Lidcombe to Liverpool via Regents Park train route and increase bus routes to the station</li> <li>improve structural quality of new buildings</li> <li>add screening/opaque glass to balconies for privacy and to avoid looking at other people's washing</li> <li>require greater setbacks to provide garden/green space</li> <li>require developers to contribute to funding of pocket parks</li> <li>Wyatt Park is great for sport, but public transport access is poor and does not encourage walking through at night.</li> </ul>	<p><b>Noted. No change to Strategy recommended.</b> The Strategy would result in a minor increase in dwelling numbers and population only.</p> <p>Council continues to plan and work with other stakeholders to align infrastructure capacity with growth.</p>

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ATTACHMENT

Overall view/ Number of submissions	Submission issue	Response
Other comments  (raised in 1 submission)	<ul style="list-style-type: none"> <li>Parramatta Rd should be B4 Mixed Use, but not high rise residential. It should have a streetscape of 2 storeys with setback of lawns and gardens.</li> <li>Hall St to Parramatta Rd should be R3 Medium Density Residential.</li> <li>west of Gibbons St should be R2 Low Density Residential please confirm that 1a, 1b Queen St will remain industrial, as shown on the map.</li> </ul>	<p><b>Noted. Outside scope of Strategy</b></p> <p>Council has resolved to implement the NSW Government's Parramatta Road Corridor Urban Transformation Strategy which covers most of these areas.</p> <p>1A/1B Queen Street was previously rezoned to R4 (separate planning proposal). This typographical error has been corrected in the final documents.</p>
Other comments  (raised in 1 submission)	Please rezone land along roads such as Park Rd and Vaughn St to townhouses or terraces with rear access onto the back streets to eliminate driveways and facilitate turning lanes	<p><b>Noted and addressed below. No change recommended.</b></p> <p>The portion of Park Rd within the centre is already zoned B4 Mixed Use</p>

ATTACHMENT

**PRECINCT SPECIFIC SUBMISSIONS - AUBURN TOWN CENTRE**  
(Excluding precincts 16b, 21 and 22)


Note: Each row relates to a matter raised in a single submission

Current controls	Exhibited draft controls	Submission issue	Response
<b>Precinct 1</b> B4 Mixed Use FSR – 5:1 Height – 49m	<b>Precinct 1</b> B4 Mixed Use FSR – 5:1 Height – 60m	 <p><b>Precinct 1 Auburn (Queen St, Auburn Rd Mary St and Harrow Rd)</b></p> <p>Landowner submission seeks recognition of the opportunity provided by this amalgamated site, approximately 190m from the station.</p> <p>The IHAP recommended a height of 60m for this Precinct (lower than the 76m previously considered in JBA background study), and a minimum non-residential FSR of 0.5:1. This equates to a loss of approximately 3 storeys plus overrun.</p> <p>A previous planning proposal for 5,800m<sup>2</sup> portion of this precinct sought 96m, an FSR of 9:1, and proposed a courtyard, public library shell and 4,400m<sup>2</sup> retail. Not supported by Council or IHAP, however, both Council and IHAP recognised the opportunity presented by the site.</p> <p>Submission included modelling of different scenarios for Precinct 1.</p> <ul style="list-style-type: none"> <li>46m (approx 13 storeys) 5:1, dedication of 2,000m<sup>2</sup> public open space and laneway</li> <li>76m (approx. 23 storeys) 7.1:1 FSR, 2,000m<sup>2</sup> of public open space and laneway</li> <li>one 107m tower, remaining towers maximum 76m, with 8.5:1 FSR, 2,000m<sup>2</sup> public open space and laneway.</li> </ul>	<p><b>Noted and addressed below. An increase in height is recommended.</b></p> <p>Precinct 1 is a key site at the core of Auburn Town Centre, and its location and configuration provide significant opportunity for redevelopment which includes provide open space and improved connectivity, as identified in the DCP.</p> <p>The preliminary study by JBA was used as background information in the preparation of the draft Strategy, however a number of other considerations, including the IHAP's recommendations have informed the Strategy.</p> <p>Further analysis has been undertaken in response to this submission and a height of 70m is now recommended for this precinct, to enable better design outcomes and provision of public open space and through site links as per the existing DCP controls.</p>

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ATTACHMENT

Current controls	Exhibited draft controls	Submission issue	Response
<b>Precinct 1 (continued)</b> B4 Mixed Use FSR – 5:1 Height – 49m	<b>Precinct 1 (continued)</b> B4 Mixed Use FSR – 5:1 Height – 60m	Submission on behalf of the owners of Auburn Central generally supportive of the draft Strategy. Expressed concerns that: <ul style="list-style-type: none"> <li>any new planning proposals, particularly for Auburn Shopping Village, need to address traffic flows, access requirements and local road capacity.</li> <li>any increase in development within the town centre should address appropriate funding mechanisms to ensure that infrastructure is delivered</li> </ul>	<b>Noted and addressed below. An increase in height is recommended</b> (see previous). Each planning proposal is assessed in terms of its strategic merit. This strategic merit assessment includes consideration of traffic measures. Further detailed assessment is also undertaken at the development application stage.  Council is preparing a new contributions plan to appropriate fund local infrastructure associated with growth.
		Submission supports high rise for this site/precinct. It should link to Auburn Central, through the underground car park and via an overhead walkway from the post office to upper level of Auburn Shopping village.  However, increased height here should be compensated by a permanent 12 storey limit generally in the centre.	<b>Noted and addressed below. An increase in height is recommended</b> (see previous). Detailed design of any development itself will be assessed at DA stage. The primary focus of the Strategy was to improve the relationship between building heights and FSR. Limiting the heights in the rest of the town centre would adversely impact on design outcomes, given the scale of the existing FSRs. Varying building heights are recommended across both centres.
<b>Precinct 2</b> B4 Mixed Use FSR 5:1 Height 38m	<b>Precinct 2</b> B4 Mixed Use FSR 5:1 Height Part 60m, part 49m	 <b>Precinct 2, Auburn (1 -13 Harrow Rd, 9 -23 Mary St, 6 – 24 Park Rd)</b>	
		Submission objecting to proposed increase in height for Precinct 2, as it would have the potential to overlook Trinity College (Park Rd, Precinct 7). Redevelopment of sites to 60m would create an adverse impact on the visual amenity of the school	<b>Noted and addressed below. No change recommended.</b> The remaining area within Precinct 2 that is not already redeveloped is west/south-west of Trinity College and, as a result, would have little overshadowing impact on the school. Any development application would need to consider the visual amenity and overshadowing of the surrounding development, particularly schools. Increased building heights in this location will allow some flexibility in design, and will assist with distribution of the FSR across the site, helping to address impacts on adjoining development.





ATTACHMENT

Current controls	Exhibited draft controls	Submission issue	Response
<b>Precinct 4</b> B4 Mixed Use FSR – 3.75:1 Height – 19m	<b>Precinct 4</b> No change	 <b>Precinct 4, Auburn (Auburn Central)</b>	
		<p>The proposed FSR map references the precinct as W2 – but there is no W2 in the accompanying legend.</p>	<p><b>Noted and amended.</b> There is no change proposed to the FSR. This has been added for greater clarity.</p>
<b>Precinct 5</b> B4 Mixed Use FSR – 2.4:1 Height – 18m	<b>Precinct 5</b> No change	 <b>Precinct 5, Auburn (South Parade and land bound by Auburn Rd, Kerr Parade and Civic Rd)</b>	
		<p>It is recommended that this precinct allow 5 storeys generally, with 12-20 storeys at key points.</p> <p>Council should buy the site, prepare a DA, on sell to a developer, with a condition that the DA remain in place for 50 years.</p>	<p><b>Noted and addressed below. No change recommended.</b> This precinct is characterised by narrow shopfronts which provide a distinctive character along South Parade. The street block is not very deep (approximately 28-29m), with most sites in single ownership, making redevelopment difficult to achieve.</p> <p>Council acquisition of this land is neither feasible nor practical. Under the <i>Environmental Planning and Assessment Act</i>, Council cannot extend a development consent beyond 5 years.</p>
<b>Precinct 6</b> B4 Mixed Use FSR – 5:1 Height – 38m	<b>Precinct 6</b> B4 Mixed Use FSR – 3:1 Height – 38m	 <b>Precinct 6, Auburn (Land bound by Queen St Alice St South Parade and Vales Lane)</b>	
		<p>Submission raises no objection to the proposed decrease in FSR, for Precinct 6, as it would allow a staggered building form from the town centre to the periphery and allow future development to be considerate of its surroundings.</p>	<p><b>Addressed below. Retention of existing FSR recommended.</b> Since exhibition in 2017, the majority of this precinct (excluding the primary school) has been either developed or granted development consent under the current LEP controls. As such, retention of the existing 5:1 FSR is recommended.</p>
		<p>Park Rd should be the limit of any high rise. It is disappointing that it has already been breached.</p>	<p>As per comment above.</p>


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Current controls	Exhibited draft controls	Submission issue	Response
<b>Precinct 7</b> B4 Mixed Use FSR – 3:1 Height – 27m	<b>Precinct 7</b> No change	 <p><b>Precinct 7, Auburn (Mary St, Park Rd, Queen St and Alice St)</b></p>	
		<p>Park Rd should be the limit of any high rise. It is disappointing that it has already been breached.</p> <p>Precinct 7 should be R2 Low Density Residential, or certainly no more than R3 Medium Density.</p>	<p><b>Noted and addressed below. No change recommended.</b></p> <p>As acknowledged, this precinct is already zoned B4 Mixed Use with a height of 27m. No change is proposed due to the location of the school, as well as the role of the precinct as a transition to the low density area to the west.</p>
<b>Precinct 9</b> B4 Mixed Use FSR – 5:1 Height – 38m and part 36m	<b>Precinct 9</b> B4 Mixed Use FSR – 5:1 Height – 45m	 <p><b>Precinct 9, Auburn (18 Harrow Rd, 1-9 Beatrice St, 93-125 Auburn Rd, 72 Auburn Rd)</b></p>	
		<p>The submission seeks an increase in permitted height to at least 55m for this site as the proposed 45m will not allow the 5:1 FSR to be achieved. A 55m height limit would still allow a transition down to Beatrice St, and the shadows will fall substantially within the same shadow areas as 45m towers at Beatrice St.</p>	<p><b>Noted and addressed below. An increase in height is recommended for part of this precinct.</b></p> <p>Precinct 9 is at the end of Auburn town centre and transitions to residential areas to the west (18 to 20m height; 1.7:1 to 2:1 FSR) and to the south (9m height and 0.75:1 FSR), with the closest area occupied by a primary school. The draft Strategy was exhibited with a maximum 45m height to enable better building design with reduced shadow and visual impacts.</p> <p>The Land and Environment Court has since approved a building height for part of this precinct (NW corner) of 56.7m (modification to DA-368/2013). The Strategy recommendation for part of this precinct has been amended to 55m to reflect this determination.</p>



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Current controls	Exhibited draft controls	Submission issue	Response
<b>Precinct 9 (continued)</b> B4 Mixed Use FSR – 5:1 Height – 38m and part 36m	<b>Precinct 9 (continued)</b> B4 Mixed Use FSR – 5:1 Height – 45m	Submission objects to the proposed height for this precinct. The Venture site approval, with a 5 storey street wall is a poor streetscape outcome, and contrary to the desired IGP objectives. This was strongly opposed by residents, and school P&C. Key issues included overlooking of the school playground, and the need for more than one car per household. This approval should not be used as a precedent, and other parts of Auburn town centre should be reduced to 5 storeys to compensate.	<b>Noted and addressed below. An increase in height is recommended for part of this precinct</b> Reducing the rest of the centre to five storeys would impact on design outcomes. This will be particularly important for many of the other precincts in Auburn which are closer the station and form the core of the centre
<b>Precinct 10</b> B4 Mixed Use FSR – 3:1 Height – 27m  <b>Precinct 11</b> B4 Mixed Use FSR – 3:1 Height – 27m  <b>Precinct 16</b> B4 Mixed Use FSR – 3.6:1 Height – 37m	<b>Precinct 10</b> No change  <b>Precinct 11</b> B4 Mixed Use FSR – 3:1 Height – 32m  <b>Precinct 16</b> B4 Mixed Use FSR – 3.6:1 Height – 38m	 <b>Precinct 10, Auburn (Land bound by Queen St, Beatrice St and Susan St)</b> <b>Precinct 11, Auburn (9 Marion St, 3-19 Queen St, 8-24 Kerr Parade, Auburn)</b> <b>Precinct 16, Auburn (1-5 Station Rd 35 – 45 Rawson St, 4A – 6 Dartbrook Rd)</b>  Submission would like these precincts to be R3. The B4 zone in Auburn town centre should be more contained; it should not extend beyond Beatrice St, nor extend up Queen St beyond the Susan St roundabout; it should also be contained by Rawson St from Station Rd to Macquarie Rd and only the Rawson St side of Hall St  This area should have been rezoned to B4 years ago, however submission is against any rezoning in this area due to interface and overshadowing issues with adjoining land.	<b>Noted and addressed below. No change to exhibited zoning controls recommended</b> Precincts 10 and 11 are currently zoned B4 Mixed Use and there is no strategic merit to rezone to R3 Medium Density. The B4 Mixed Use zone is not proposed to extend beyond Beatrice St at this time  Precinct 16 is currently zoned B4 Mixed Use. Given its proximity to the station. This zone is considered suitable

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Current controls	Exhibited draft controls	Submission issue	Response
<b>Precinct 12</b> B4 Mixed Use FSR 2.4:1 Height 18m	<b>Precinct 12</b> B4 Mixed Use FSR 2.4:1 Height 18m	 <p><b>Precinct 12, Auburn (Land bound by Auburn Road, Kerr Parade and the railway line)</b></p>	<p>Submission seeks an increase in height and FSR for this precinct. It is less than 50m to the station entry, and is centrally located within the town centre. Increased residential density in this location would be consistent with government policy. The precinct has two road frontages, allowing vehicular access to be provided (as currently) via Kerr Parade. The precinct could be amalgamated, having an overall area of 1,650m<sup>2</sup>. The precinct is unconstrained by flooding or heritage, and can readily accommodate a mixed use development with a height to 38m and a maximum FSR of 5.1.</p> <p><b>Noted and addressed below. An increase in height is recommended.</b> This precinct has a number of constraints including topography, relatively small total site size with an irregular shape, proximity of the railway line, and congestion on and around the road frontages. It is noted that parts of the existing building are located on the road reserve, and this would not continue if site was redeveloped. No change in FSR is recommended; however, an increase in height from 18 metres to 27 metres is recommended.</p> <p>Additional analysis was undertaken post-exhibition in response to submissions received, and an increase in building height for this precinct is recommended (27m).</p>
<b>Precinct 17</b> R4 High Density Residential FSR – 1.7:1, 2:1 corners Height – 18m, 20m corners	<b>Precinct 17</b> R4 High Density Residential FSR – 2:1 Height – 20m	 <p><b>Precinct 17, Auburn (Rawson and Hall Streets, Dartbrook and Station Roads)</b></p>	<p>Submission seeks B4 zoning, 3.6:1 FSR and 45m height for whole of precinct 17:</p> <ul style="list-style-type: none"> <li>• in line with neighbouring precincts</li> <li>• precinct has a mixed use feel with non-</li> </ul> <p><b>Noted and addressed below. Change to zoning, FSR and height recommended for western half of this precinct.</b> In response to submissions received, further review of this precinct was undertaken. The Station Road frontage is directly opposite an existing B4 zone. Providing the potential to activate</p>

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Current controls	Exhibited draft controls	Submission issue	Response
		<p>residential uses such as the Masonic Centre</p> <ul style="list-style-type: none"> <li>• B4 would help achieve the goal of making the centre active and vibrant</li> <li>• recognises transitional nature of the area with buildings over 30m under construction in the precinct</li> <li>• tall slim towers improve resident amenity, so height and building envelopes should exceed FSR to provide flexibility and good urban design outcomes</li> <li>• the proposed 20m height is not a transition.</li> </ul> <p>Submission indicates that residents do not want to live in a crowded area as proposed by the draft Strategy. Recently objected via a petition to the construction of a 15 storey building in Dartbrook Rd, which was approved, has been in the construction phase for 2 years, and blocks airflow and sunlight.</p>	<p>the street on both sides of the road is likely to also support the existing B4 zone on the western side of Station Rd.</p> <p>It is therefore recommended that the western part of Precinct 17 in Auburn (from Holiday Lane to Station Road) be:</p> <ul style="list-style-type: none"> <li>• zoned B4 Mixed Use</li> <li>• FSR of 3.6: 1</li> <li>• height of 25m</li> </ul> <p>These recommended changes provide a transition to the R4 zoned land to the east of Holiday Lane.</p> <p>In terms of crowding, the Strategy seeks to improve design and public domain outcomes to improve liveability and amenity, rather than increasing density. The height and FSR changes proposed are minor, and maintain a transition in scale to the north and east of the town centre boundary.</p> <p>The change to B4 recommended above is likely to have a minor impact on Dartbrook Rd in terms of built form.</p> <p>Matters such as the impact of development on adjoining properties (including sunlight access and airflow impacts) are assessed at the development application stage.</p>



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## PRECINCT SPECIFIC SUBMISSIONS - LIDCOMBE TOWN CENTRE

Note: Each row relates to a matter raised in a single submission.



Current controls	Exhibited Draft Strategy controls	Submission comments	Comment
<b>Precinct 3</b> (part 3d) B4 Mixed Use FSR – 5:1 Height – 36m	<b>Precinct 3</b> (part 3d) B4 Mixed Use FSR – 5:1 Height – 55m	 <p><b>Part of Precinct 3, Lidcombe (Olympic Dr, Vaughan St and Bridge St - 'Westella site')</b></p> <p>Landowner submission states that the size of the total site (7,134m<sup>2</sup>), its single ownership and its prominent location make this site ideal for future intensification, beyond what is suggested in the draft Strategy.</p> <ul style="list-style-type: none"> <li>• commends Council on the initiative to increase permitted heights to work more efficiently with FSRs</li> <li>• seeks an increase in height to 60m (as a baseline) which would lead to a superior urban design outcome while improving the human scale street experience.</li> <li>• seeks a Design Excellence Competition bonus of 15% of FSR and height for the site and the town centre immediately.</li> <li>• included an urban design report showed a proposed concept of 6 towers of varying heights to 65m with an FSR up to 6:1 are possible on the site under a different amalgamation pattern. This also includes a supermarket.</li> <li>• seeks to work with Council on the DCP.</li> </ul>	<p><b>Noted and addressed below. An increase in height is recommended.</b></p> <p>This is an important site within the Lidcombe Town Centre, and one of few sites where a supermarket could be accommodated.</p> <p>It is noted that the Strategy does not seek a single blanket height across the centre, however, it does provide a single height for this precinct. This is a maximum height, not a required height.</p> <p>The recommended increased maximum height is intended to provide opportunities for a variety of heights and built form by working together with the existing FSR of 5:1. Multiple design outcomes are possible under this scenario.</p> <p>Whilst the options presented in the submission are not considered suitable, a modest increase in height to 65 metres is recommended for this part of Precinct 3 to enable high quality design outcomes, including public domain improvements at ground level. No change to the FSR is recommended.</p>
		<p>There is <i>no basis</i> for the description of the role of Lidcombe centre as having potential for commercial expansion and intensification, nor for it to form part of a 'broader ecosystem of innovation and enterprise across</p>	<p><b>Noted and addressed below. An increase in height is recommended.</b></p> <p>There are very few changes proposed to expand the B4 Mixed Use zone in Lidcombe. The actual mix of</p>

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Current controls	Exhibited Draft Strategy controls	Submission comments	Comment
<b>Precinct 3</b> (continued)	<b>Precinct 3</b> (continued)	Cumberland'. This is only an urban design strategy.	businesses within the town centre will not be prescribed by Strategy.
<b>Precinct 3</b> (part) B4 Mixed Use FSR – 5:1 Height – 32m	<b>Precinct 3</b> (part) B4 Mixed Use FSR 5:1* *Council to investigate reduction in FSR Height – 38m	 <p><b>Part of Precinct 3, Lidcombe (Land fronting the north side of Taylor St)</b></p> <p>Submission supports the intent to maintain a gradual decline in building height and FSR away from the station to establish a stepped skyline and retain solar access to Remembrance Park, however lowering the FSR is not the best means to do this:</p> <ul style="list-style-type: none"> <li>reducing the FSR would not be consistent with the objectives of Cl. 4.4 in the Auburn LEP 2010 – as the current 5:1 FSR enables appropriate density that reflects the locality</li> <li>a development's inability to achieve the maximum FSR at a particular point in time and place does not mean it will never be achieved in the future</li> <li>reduced FSR will reduce development potential – reducing the number of affordable housing units</li> <li>submission included indicative plans for ground floor, and typical floor levels and schematic elevation for a proposed 9 storeys (24m) with an FSR of 4.5. Also proposed to <i>“enhance and conserve this local heritage building by dismantling the whole structure and rebuilding with the same or same type of materials, moving the building forward 2m to the boundary, with the new building starting from the 3 internal columns, and from the roof ridge back”</i>.</li> </ul>	<p><b>Noted and addressed below. Retention of existing FSR and exhibited height recommended.</b></p> <p>Council has sought specialist advice on the significance of the former Lidcombe Post Office (built 1920 and designed during the tenure of NSW Government Architect George McRae, who also designed the Queen Victoria Building).</p> <p>Development application to which submission refers has since been withdrawn.</p> <p>It is recommended that the existing FSR of 5:1 be retained along with the exhibited height of 38m.</p> <p>Any future development application for this site will undergo detailed assessment with specific focus on potential impacts on the heritage item and overshadowing of Remembrance Park. Dismantling and reconstructing the heritage item (former Lidcombe Post Office) is unlikely to be supported.</p>


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Current controls	Exhibited Draft Strategy controls	Submission comments	Comment
<b>Precinct 5</b> B4 Mixed Use FSR - 5:1 Height - 32m	<b>Precinct 5</b> Part RF1 Public Recreation No Height/FSR  Part B4 Mixed Use FSR - 5:1 Height - 38m	 <p><b>Precinct 5, Lidcombe (2-6 Taylor St, 29 – 33 Joseph)</b></p>	
			<p>Landowner submission objecting to proposed RE1 zone for 2 Taylor St. Acquisition of this site has potential to impact the viability of the church and its ability to remain on site. Rezoning the site without Council having identified a budget, timeframe and acquisition plan, would result in uncertainty, and would be burdensome for the Church to hold land where it cannot increase its operations.</p> <p>Church supports retention of the B4 zone with appropriate height and FSR. The potential overshadowing of the park can be mitigated through other planning and design measures.</p> <p>The landowner (Church) seeks to work with Council to find an alternate solution to allow the church to continue its activities, and enable Council to improve the street address of Remembrance Park, eg through reconfiguration of the overall site and/or boundary adjustments or land swap.</p>
<b>Precinct 6</b> B4 Mixed Use FSR - 5:1 Height - 32m	<b>Precinct 6</b> B4 Mixed Use FSR - 5:1 Height - 38m	 <p><b>Precinct 6, Lidcombe (2-10 Kerrs Rd, 46 - 74 Joseph St Lidcombe)</b></p>	<p><b>Noted. Retention of existing zoning, height and FSR controls is recommended.</b> Following receipt of this submission, Council and the landowner have met to discuss potential options including land swap and reconfiguration of sites. As discussions have yet to reach a conclusion, it is recommended that the existing zoning, height and FSR be retained. This approach does not preclude future negotiations as outlined above, and the planning controls can be amended to reflect an agreed outcome for this area in the future.</p>
			<p><b>Noted and addressed below. No change recommended.</b> The submission does not provide strategic merit for the requested increase in FSR. Precinct 6 is at the</p>

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Current controls	Exhibited Draft Strategy controls	Submission comments	Comment
			southern edge of the B4 zone, and forms part of the transition from the core of the centre to surrounding residential areas. No change to FSR is recommended.  Specific proposals will be considered on merit as part of the development application process.
<b>Precinct 7</b> R2 Low Density Residential No FSR Height – 9m	<b>Precinct 7</b> R4 High Density Residential FSR 2:1 Height – 20m	 <p><b>Precinct 7, Lidcombe (Olympic Dr, Kerrs Rd, B4 lands and Raymond St East)</b></p> <p>Submission supports the proposed R4 zoning, but seeks an increase in the permitted height:</p> <ul style="list-style-type: none"> <li>land immediately to the north would have a maximum height of 38m, in contrast to our site which would have only 20m, resulting in a neighbouring development that would be much higher</li> <li>failure to adopt a consistent height across the R4 zone will prevent amalgamation with a view to large single development</li> <li>the border between the R4 zones is arbitrary – in the middle of the block - the natural boundary of the zone should be Raymond Street and Armstrong Lane</li> <li>extension of the permitted height to Raymond Street would not result in overshadowing as the land on Bernard St and the eastern side of Joseph St would form a transition zone.</li> <li>Joseph St is the main promenade in Lidcombe with a width to support large tall buildings.</li> </ul>	<p><b>Noted and addressed below. An increase in height is recommended.</b></p> <p>The Strategy seeks a transition in height and scale from the core of both centres to the centre edge and beyond, and in some locations this transition is more gradual than others. Increasing their height in this precinct to 38m as sought by the submission would not support a smooth transition to the land to the south of Precinct 7, currently zoned R2, with a 9m height limit.</p> <p>Further analysis following exhibition found that a building height of 25m in this location, while retaining an FSR of 2:1, would still allow for a mix of built form design that takes into account the development in Precinct 6 in the north, as well as the need to transition to the low density residential area to the south. The revised Strategy recommends this is approved.</p>



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Current controls	Exhibited Draft Strategy controls	Submission comments	Comment
		<p>For many years the residents of Precinct 7 have endured the loss of a supermarket within walking distance, with many elderly residents left stranded by development. The closest shopping centre is more than 2 kilometres away without adequate public transport. Residents in this area have felt ignored in the past about development issues that affect us.</p> <p>We recommend that the proposed R4 zone from Kerrs Rd to Raymond St be amended to B4, with a maximum height of 32 metres along Bernard St in keeping with an aesthetic look for the precinct, and with consideration for an adequate supermarket/ shopping centre to support current and future residents.</p> <p>R4 is recommended further south.</p>	<p><b>Noted and addressed below. An increase in height is recommended.</b></p> <p>The need for a supermarket in Lidcombe is recognised and encouraged through the controls proposed in the Strategy.</p> <p>Extending the B4 zone is not supported for this precinct, as it would extend the centre too far from the core.</p> <p>The land further south (south of Raymond St), was not part of the study area for the draft Strategy, and is well outside the town centre. Consideration of this area is beyond the scope of this Strategy. However, as outlined above, an increase in height (to 25m) is recommended for Precinct 7.</p>
<b>East of Precinct 7</b> R4 High Density Residential FSR 1.7 – 2.1 Height 18-20m	<b>East of Precinct 7</b> No change	 <p><b>East of Precinct 7 (between Joseph St, McVicar Lane and Raymond St East)</b></p> <p>Raymond St East is a peaceful cul de sac, which would be ruined by the development proposed under the draft Strategy for the area between James St, Joseph St, McVicar Lane and Raymond St East. High density development will affect the ambience and safety of this street, will result in overcrowding and massive buildings towering over homes. It will mean that the on street parking will be taken by the new apartments. Objects to the draft Strategy.</p> <p>I urge reconsideration of the high density status proposed for the Joseph St side that connects to Raymond St East and McVicar Lane.</p>	<p><b>Noted and addressed below. No change recommended.</b></p> <p>The area of concern identified is outside the study area and separated by Joseph St. The R4 High Density Zone is the existing zone in this location. There are no changes proposed to the zone, the height or the FSR.</p> <p>The changes proposed by the Strategy in this area are limited to the western side of Joseph St adjoining Raymond St East (this was not raised in this submission as an issue).</p>

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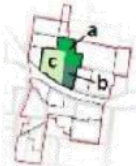


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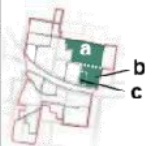
Current controls	Exhibited Draft Strategy controls	Submission comments	Comment
<p><b>Precinct 8</b> B4 Mixed Use FSR - 5:1 Height - 32m (part) and 36m</p> <p><b>Precinct 9</b> B4 Mixed Use FSR - 5:1 Height - 60m</p>	<p><b>Precinct 8</b> B4 Mixed Use FSR - 5:1 Height - 60m (part c);</p> <p><b>Precinct 9</b> B4 Mixed Use FSR - 5:1 Height - 60m <i>(parts a and b are addressed below)</i></p>	 <p><b>Precinct 8</b> Irregular precinct between Church St and Doodson Ave centred on John St, Lidcombe, and</p> <p>Landowner submission supports the proposed controls for the Dooleys site within Precincts 8 (western part) and 9, as they will go some way to ensuring better urban design and architectural outcomes for the town centre. This large landholding provides a long term opportunity under these controls to strengthen the vitality the centre consistent with Council's planning objectives.</p> <p>Landowner looks forward to the opportunity to comment on controls under the future planning proposal.</p>	 <p><b>Precinct 9</b> 1-5A Church St, 13 - 25 Board St Lidcombe</p> <p><b>Noted and addressed below. An increase in height for part of Precinct 8 and Precinct 9 are recommended.</b></p> <p>In response to submissions received an increase in the exhibited height from 60m to 70m is recommended for Precinct 9 and the western half of Precinct 8 (west of John Street). This creates an opportunity to improve public domain and interface with John Street, as well as north-south through site links.</p> <p>The location of this precinct on the northern side of the station means that shadows cast by any redevelopment will fall primarily on the train line and Olympic Drive, rather than existing residential development.</p> <p><b>Noted. As per comments above.</b></p>
		<p>Object to proposed development for Lidcombe Dooley's site. The proposal is financed by and will enhance its gaming facilities. It is primed to overshadow and drive out other businesses, whereas we need business competition</p> <p>Although I live in Lidcombe I bypass its shopping and transport due to overcrowding on the infrastructure - the streets, and station exits.</p>	

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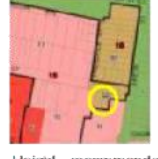
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Current controls	Exhibited Draft Strategy controls	Submission comments	Comment
<b>Precinct 8 (between John St and precinct 14)</b> B4 Mixed Use FSR - 5:1 Height - 32m and 36m	<b>Precinct 8 – (parts a and b: between John St and precinct 14)</b> B4 Mixed Use FSR - 5:1 Height – 50m north of Mary St; 55m south of Mary Street	 <p>Precinct 8 (part), Auburn (between John St and Precinct 14)</p>	
		<p>Sydney Catholic Schools' submission objects to proposed changes, to parts of Precinct 8 that adjoin St Joeachim's Primary School (east of John Street), including:</p> <ul style="list-style-type: none"> <li>• could leave the school with a 'boxed in' feel</li> <li>• could overlook and overshadow play spaces</li> <li>• would result in increased traffic, with particular concern for pedestrian safety</li> <li>• does not support environmental comfort, good amenity, or responsiveness to context.</li> </ul> <p>See also submission issues under Precinct 15.</p>	<p><b>Noted and addressed below. An increase in height is recommended.</b></p> <p>In response to submissions received, a decrease in the exhibited heights (50 metres down to 38 metres) is proposed for this part of Precinct 8. The existing FSR of 5:1 remains unchanged.</p> <p>Any proposal will undergo further detailed assessment at the development application stage, and would consider impacts on adjoining properties.</p>
		<p>Objects to the proposed 55m heights on Church and Mary Streets for apartments that will be very close together forming walls that will block the view and ventilation of the residents.</p>	<p><b>Noted and addressed below. No change recommended.</b></p> <p>The recommended increased height controls, with existing FSR will improve opportunities for more slender tower forms and increased building separation, resulting in improved opportunities for view corridors and ventilation.</p> <p>Aspects like ventilation, solar access, privacy and views would be further assessed at the development application stage.</p>


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Current controls	Exhibited Draft Strategy controls	Submission comments	Comment
<b>Precinct 14</b> B4 Mixed Use FSR – 5:1 Height – 32m	<b>Precinct 14</b> B4 Mixed Use FSR – 5:1 Height – 55m	 <b>Precinct 14, Lidcombe (39 and 43 Church St and 7 Mary St, Lidcombe)</b>	 <b>Precinct 15, Lidcombe (land b between Doodson and Church Streets, east of Frederick Street)</b>
<b>Precinct 15</b> R4 High Density Residential FSR – 1:7:1 2:1 at corners Height – 18m 20m at corners	<b>Precinct 16</b> <i>part a. North of Mary St</i> R4 High Density Residential FSR – 3:1 Height – 32m  <i>part b and c: South of Mary St</i> B4 Mixed Use FSR – 3.5:1 Height – 38m	Landowner submission objects to the changes in controls for the land close to St Joachim's Primary School, particularly increased heights, which: <ul style="list-style-type: none"><li>could leave the school with a 'boxed in' feel, rear of the school could look isolated</li><li>could overlook and overshadow play spaces, with negative impacts on wellbeing of students and inconsistent with Greater Sydney Commission's goals</li><li>would result in increased traffic, with particular concern for pedestrian safety</li><li>does not support good amenity, responsiveness to context, or street level views that enhance a sense of place</li></ul>	<b>Noted. Changes recommended in response.</b> Precinct 14 is predominantly occupied by St Joachim's Primary School, and has an existing FSR of 5:1. The precinct includes a recently constructed 10 storey (32m) apartment building (43 Church St) to a height of 32.4m which uses the maximum FSR of 5:1  Further analysis was undertaken as part of the review of submissions process. In response to issues raised in submissions, and to facilitate a better transition in scale with the primary school, a reduction in the exhibited draft heights and FSRs for Precincts 14 and 15 is recommended as follows.  <i>Precinct 14</i> <ul style="list-style-type: none"><li>FSR retain existing 5:1</li><li>Height 38m</li></ul> <i>Precinct 15</i> <ul style="list-style-type: none"><li>FSR 2:2:1 (part a and b) and 2:6:1 (part c)</li><li>Height 29m (part a and b) and 36m (part c)</li></ul>
		Object to the proposed 55m heights on Church and Mary Streets for apartments that will be very close together, forming walls that will block the view and ventilation of the residents	<b>Noted. Changes recommended in response. See comment above.</b>

ATTACHMENT

Current controls	Exhibited Draft Strategy controls	Submission comments	Comment
<b>East of Precinct 15</b> R4 High Density Residential FSR – 1.7:1 Height 18m	<b>East of Precinct 15</b> Not in study area – directly east of Precinct 15 No change	 <p><b>East of Precinct 15</b></p> <p>Submission on behalf of 31 Mary St Lidcombe, adjoining Precinct 15, to which has similar characteristics. Suggests Swete St as logical eastern boundary of the centre, and seeks a height of height of 25m for 31 Mary Street.</p> <p>Surrounding development at 81 Church St, on the corner of Swete St, while not part of the study area, has established a strong built form typical of a 'gateway site' with an FSR of 2:1 and a height of 25m. This has set a precedent and 31 Mary St and the adjoining properties, 33 Mary St and 11 Swete St, should, to be consistent, also benefit from an FSR of 2:1 and a height of 25m. These recommended increases would encourage amalgamation and quality urban design.</p> <p>It is recommended that the land between Swete St and Precinct 15, south of Mary St be included in the draft Strategy to inform an upward review of controls.</p>	<p><b>Noted and addressed below. Minor change recommended.</b></p> <p>31 and 33 Mary St currently have an FSR of 1.7:1 and maximum height of 18m, while the adjoining properties to the north and east have a recommended FSR of 2:1 and a maximum height of 20m. Land to the south (outside the town centre boundary) has these controls.</p> <p>The Strategy, as exhibited, would result in a lower permitted FSR and height on two isolated sites surrounded by land with a greater FSR and height (located further from the station), without any planning rationale.</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  <p>FSR - exhibited</p> </div> <div style="text-align: center;">  <p>FSR – recommended</p> </div> </div> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  <p>Height - exhibited</p> </div> <div style="text-align: center;">  <p>Height - recommended</p> </div> </div>

ATTACHMENT

Current controls	Exhibited Draft Strategy controls	Submission comments	Comment
			<p>The following minor changes to the controls for 31 and 33 Mary St, Lidcombe, are recommended:</p> <ul style="list-style-type: none"> <li>increase the maximum FSR to 2:1</li> <li>increase the maximum height of buildings to 20m consistent with proposed controls for Precinct 16.</li> </ul>
<p><b>North of Precinct 16</b> R3 Medium Density Residential FSR 0.75:1 Height 9m</p>	<p><b>North of Precinct 16</b> Not in study area directly north of Precinct 16 No change</p>	<p><b>North of Precinct 16</b></p>  <p>Landowner submission on behalf of 31-33 Swete St Lidcombe. This 2,049m<sup>2</sup> site is on the corner of Swete St and Mills St, contains the former RMS Motor Registry, adjoins Lidcombe Public School (heritage listed) to the west and the residential block (Precinct 16) to the south. This site is part of this residential block, but was excluded from Precinct 16, presumably due to previous Motor Registry use.</p> <p>Submission seeks the same zone as Precinct 16 - R4 High Density Residential. It also seeks a base FSR of 2:1 plus an incentive FSR for social or community use, and a maximum height of 25m as:</p> <ul style="list-style-type: none"> <li>Site forms a natural end to the residential block that includes Precinct 16, and would form an appropriate transition to/from the town centre</li> <li>The site is 630m walking distance to the station</li> <li>Given the location adjoining the school, the site provides an opportunity to provide a social or community use, however this would require a larger ground floor elevation and therefore a greater maximum height of buildings than the 20m proposed</li> </ul>	<p><b>Noted and extension of proposed zoning, height and FSR from Precinct 16 recommended.</b></p> <p>In response to submissions, the proposed controls for 31-33 Swete Street were reviewed. It is recommended that the proposed zoning (R4), height (20m) and FSR (2:1) of Precinct 16 be extended to include this last lot within the street block.</p> <p>The request for FSR and height greater than those proposed for Precinct 16 is not recommended as:</p> <ul style="list-style-type: none"> <li>height and FSR greater than that proposed for Precinct 16 lacks strategic merit as it is further away from the station and core of the centre than Precinct 16. It would also compromise the capacity to provide a transition to the low density residential area to the north.</li> <li>there is significant capacity within the B4 zone in Lidcombe to accommodate additional dwellings, without the need to substantially increase development potential beyond the edge of the town centre.</li> <li>the proposed location of a through site link to</li> </ul>

10



ATTACHMENT

Current controls	Exhibited Draft Strategy controls	Submission comments	Comment
		<p>for Precinct 16.</p> <ul style="list-style-type: none"> <li>submission included a massing study which showed a podium of 4 storeys with a maximum 6 storeys with a northern frontage to maximise sun access, as well as potential for a through site link between Mills St and 29 Swete St (also shown as a through site link).</li> </ul>	<p>Doodson Ave/the school in the submission is shown wholly on the adjacent site (29 Swete St). This is a separate lot under different ownership, unrelated to the site subject site. Any through site link would need to be shared between these two properties.</p>

# DOCUMENTS ASSOCIATED WITH REPORT C04/19-64

## Attachment 3 Council Report and Minutes - 21 December 2016



## Cumberland Council

### Auburn and Lidcombe Town Centres Strategy

Responsible Division:	Environment and Infrastructure
Officer:	Group Manager Planning
File Number:	S-5740-01
Delivery Program Code:	2a 2 1 Prepare land use and local centre studies 1a.1.1 Enhance community participation, collaboration and engagement 5 1 1 Oversee the land use planning, design and compliance framework for managing and facilitating appropriate development 5 2 1 Identify strategies that support the development of local centres and business areas across the city

#### Summary

JBA Consultants completed a study of the heights and zoning in Auburn and Lidcombe Town Centres in February/March 2016 for the former Auburn City Council, consistent with Council's resolution of 20 May 2015 [Item 086/15]. As a result the *Draft Auburn and Lidcombe Town Centres Strategy (Attachments 4 to 9)* was prepared and considered by the Cumberland Independent Hearing and Assessment Panel (CIHAP) at its meeting of 17 November 2016 [Item C030/16]. The draft Strategy has been amended in line with the CIHAP recommendations.

This report seeks a recommendation to publicly exhibit the draft Strategy.

#### Report

##### *Background*

A review of the permitted heights for Auburn and Lidcombe town centres was first initiated by Council resolution on 16 April 2014 in response to a DA proposal for land in Auburn Town Centre, which highlighted that the heights and FSRs in the Town Centres were poorly aligned. This was followed by Councillor workshops and further resolutions of the former Auburn City Council to progress the study. JBA consultants completed a review of the heights in Auburn and Lidcombe Town Centres in February/March 2016. They were also asked to consider some specific precincts for changes to zoning and floor space ratios (FSRs). The JBA review is included at Attachment 9.

Council planners have reviewed the recommendations of the consultant review as well as a range of other strategies and studies completed or in preparation for a review of the Auburn LEP 2010. A number of changes to the outcomes proposed by JBA are considered appropriate, and a slightly broader approach to the centres is warranted. Accordingly a *Draft Auburn and Lidcombe Town Centres Strategy* has been prepared. Attachment 2 provides an outline of the history of the strategy to date.

*Cumberland IHAP Resolution*

The draft strategy was reported to the Cumberland IHAP (CIHAP) at its meeting of 17 November 2016 [item C030/16] (see **Attachment 1**). CIHAP resolved the following:

1. *That Council publicly exhibit the Draft Auburn and Lidcombe Town Centres Strategy as per the recommendations in Attachment 1 and the Auburn and Lidcombe Town Centres: Investigation into height of building controls and zoning (JBA study), and bring a report back to the CIHAP and to Council following the consideration of submissions.*
2. *That a minimum Floor Space Ratio (FSR) of 0.5:1 be non-residential uses in the following precincts in the core of both town centres:*
  - a. *Precincts 1, 2, 3, 4, 5, 12, 13, 14 and 16 in Auburn Town Centre; and*
  - b. *Precincts 1, 2, 3, 8, 9, 10, 14 and 15 in Lidcombe Town Centre.*
3. *That consultants be engaged to prepare a detailed view line analysis and study of the Gelibolu Precinct (Precinct 22) and a general view analysis of the surrounding residential areas in both Town Centres, and that a report be brought back to CIHAP and subsequently to Council for consideration.*
4. *That Council staff investigate the potential for provisions for design excellence as part of the preparation of a Comprehensive Local Environmental Plan (LEP) for Cumberland.*
5. *That some preliminary investigation of potential opportunities to foster an innovation ecosystem in Lidcombe be undertaken as part of the Cumberland Employment Lands Strategy.*
6. *That a consultant be engaged to prepare a Traffic and Pedestrian circulation study for Lidcombe Town Centre in line with priorities identified in Council's Delivery Program and Operational Plan, and that a report be brought back to CIHAP and to Council for consideration in the future.*
7. *That Council investigate the reduction of the FSR for the part of the Lidcombe Town Centre Precinct 3 north of the park.*
8. *That Council investigate the introduction of minimum lots sizes in the Auburn LEP 2010 for the B4 Zone linked to the appropriate FSR and height.*
9. *That Council investigate the height and FSR objectives for the B4 Zone in the Auburn LEP 2010.*
10. *That Council consider the heritage listing of the Gallipoli Mosque and shop facades of both Town Centres as an early stage of the Cumberland Heritage Study*
11. *That the Auburn DCP 2010 controls be updated to support the proposed amendments to the development controls in Auburn and Lidcombe Town Centres '*



See Attachment 3 for the detailed recommendations in item 1 above.

The draft Strategy has been amended in line with the CIHAP recommendations.

#### 1. DRAFT AUBURN AND LIDCOMBE TOWN CENTRES STRATEGY

As previously outlined, the draft Strategy (**Attachment 4**) builds on the work of the JBA study, other technical studies and District planning processes. It proposes a number of principles for the growth of each centre and recommends changes to the existing planning controls to support these principles for both Auburn and Lidcombe Town centres. **Attachment 8** provides an outline of the existing controls, those recommended by the consultants, and the recommendations in this draft Strategy.

The principles build on the strengths of each centre, and seek to enable an improved and more diverse built form, with a greater emphasis on how people interact with each other and with the built environment.

In addition, a small increase in the area of the B4 zoned area in Lidcombe Town Centre (the business area) is proposed, and it is anticipated that the proposed changes will support the first steps in the establishment of an innovation ecosystem<sup>1</sup>. Such systems, as foreshadowed in the *GPOP Greater Parramatta and the Olympic Peninsula 2016*, support the creation of new jobs in the economy, by providing start up businesses with links to research facilities, mentoring, networking opportunities and more.

The greatest height proposed in both town centres, on the recommendation of the CIHAP, is 60m. The proposed increases in heights improve the relationship between building heights and FSRs. They will foster a diversity of built form, provide for a more varied and visible skyline and importantly, will provide opportunities for open space and improved connectivity at the street level. Podium and tower forms are sought to achieve these outcomes.

The difference between the height recommendations proposed to CIHAP, and those recommended by CIHAP for Auburn Town Centre are shown at Figures 1 and 2. Figures 3 and 4 illustrate the same for Lidcombe Town Centre. **Attachments 6 and 7** illustrate the proposed changes in zoning, FSR and heights from the existing planning controls under Auburn LEP 2010 as recommended by CIHAP.

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<sup>1</sup> Innovation Ecosystem City Exchange Report 2016 *Growing the Australian Economy*

**AUBURN TOWN CENTRE**  
Proposed maximum height of building (in metres)

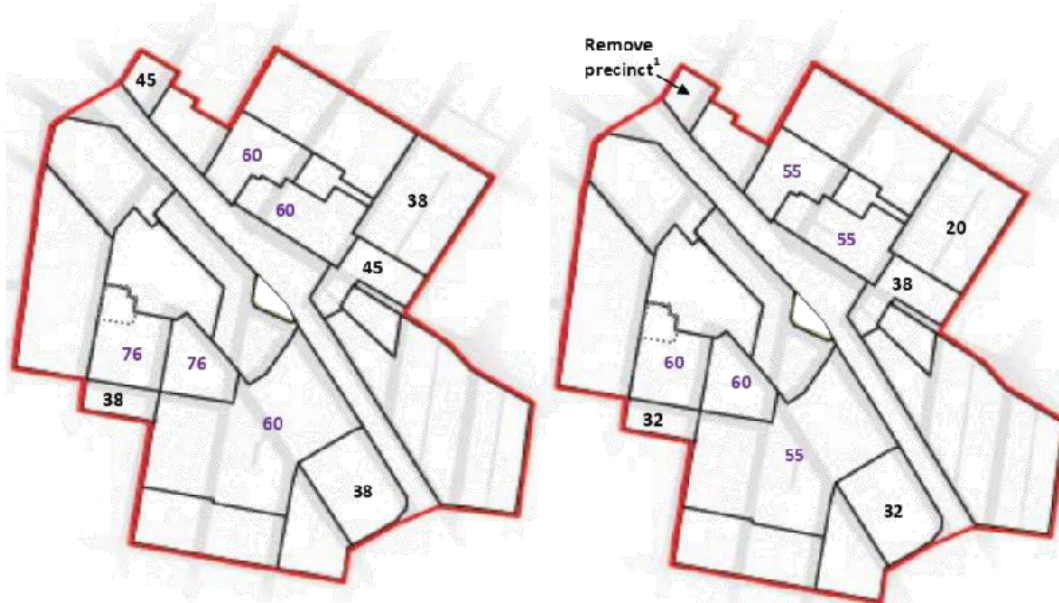


Figure 1. Recommendations to CIHAP

Figure 2. Recommendations made by the CIHAP

1. This precinct (20) is proposed for high density residential in the *Parramatta Rd Urban Transformation Strategy*. In line with the recommendation of the CIHAP, this precinct has been removed from the Strategy, and will be considered as part of a future planning proposal for the *Parramatta Rd Urban Transformation Strategy*.

**LIDCOMBE TOWN CENTRE**  
Proposed maximum height of building (in metres)

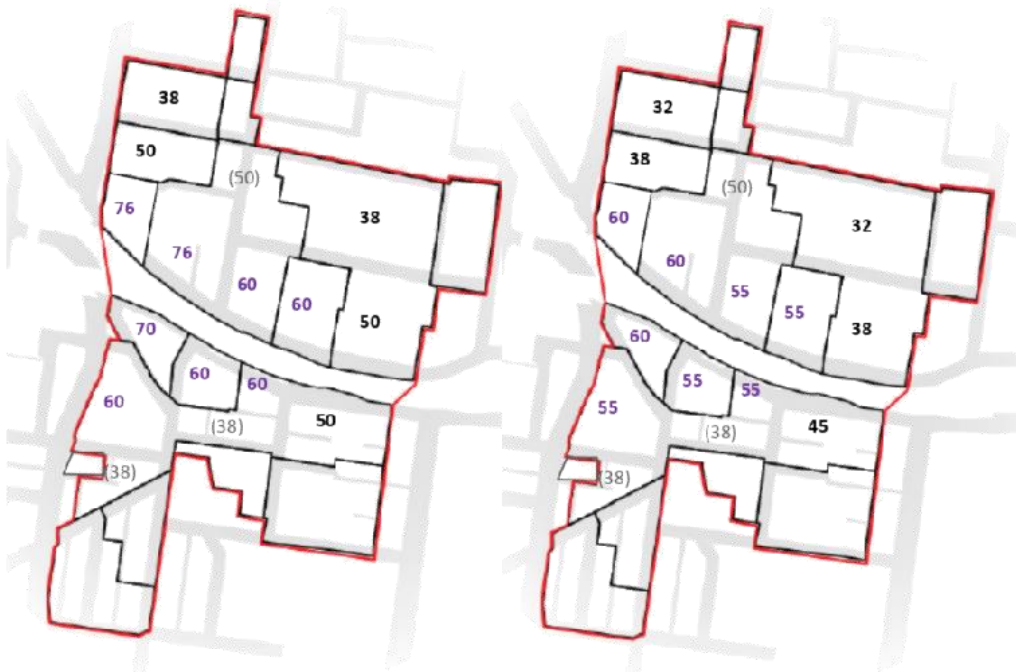


Figure 3. Recommendations to CIHAP

Figure 4. Recommendations made by CIHAP

## Consultation

The exhibition of the draft Strategy is proposed commence in mid January for a minimum of 28 days. The exhibition would include a notice in the local paper and a letter to directly affected and surrounding property owners, as well as availability of the draft Strategy on Council's website, both Administration Centres, and in key libraries.

### Financial Implications

The exhibition of the *Draft Auburn and Lidcombe Town Centres Strategy* is covered within the normal budget of Planning.

The recommendations include the completion of additional supporting work. Some of this work would depend on the outcomes of the exhibition and the likely timeframe for the making of a planning proposal should the recommendations be adopted by Council following the exhibition.

Additional work recommended by the draft Strategy can be considered for inclusion in the budget for forthcoming financial year/s for Council. These are outlined below:

Short term:

- i. *The Gelibolu Precinct study; general viewline analysis of the two town centres (as proposed) from the surrounding residential areas, investigation of reduced FSR for part of Precinct 3 in Lidcombe*

These can be covered under the Planning Unit budget.

- ii. *Consideration of the potential heritage listing of the Gallipoli Mosque and shop facades of both Town Centres*

This will be undertaken as part of the Cumberland Heritage Study to be commenced early in 2017. The funding for this LGA-wide study has been approved by Council.

- iii. *Preliminary investigation of potential opportunities to foster an innovation ecosystem in Lidcombe*

This would be initially undertaken as part of the Cumberland Employment Lands Strategy which will be undertaken in 2017 and covered under the Planning Unit Budget. If the preliminary investigations are positive, further work will be required in the medium to longer term

Medium term: (note: the financial implications of these items below will be presented to Council as separate Council reports in the future, subject to being endorsed and prioritised in Council's future delivery Program)

- iv. *Investigation of active frontages and design excellence measures, and height and FSR objectives for the B4 Zone*

This work will be included in the work for the preparation of a new comprehensive LEP.

- v. *Acquisition of land for open space in Precinct 5 in Lidcombe*

Council already owns 2,369m<sup>2</sup> adjoining the park. However the recommended zoning of RE1 Public Recreation would result in the need to acquire a further 2,400m<sup>2</sup> over time.

- vi. *Lidcombe Town Centre Traffic and Pedestrian Circulation Strategy*

This is a major study, which will take time to complete, and is anticipated to include a number of options for Council's consideration. Council's Chief Financial Officer has identified that there have been funds collected under the relevant section of the Development Contributions Plan to cover the cost of the preparation of this study, however, the timeframe and priority in Council's future Delivery Program is yet to be determined.

- vii. *The preparation of the site specific DCP for both centres and a public domain plan for Lidcombe*

These could only occur once the Lidcombe circulation strategy is adopted.

- viii. *Updating the Contributions Plan*

This will support changes to circulation infrastructure and public domain upgrades in Lidcombe.

- ix. *Future use of Precinct 15 in Auburn*

The financial implications for Precinct 15 in Auburn (north side) and immediately surrounding sites will depend on the future decision as to best use for this land. If the site itself is retained for community uses, funding will need to be found to support this.

- x. *A pilot façade upgrade program for Precinct 5 in Auburn Town Centre*

Subject to inclusion and priorities yet to be determined in Council's future Delivery Program.

#### **Policy Implications**

It is intended that the draft Strategy would ultimately inform a planning proposal to amend the Auburn LEP 2010, and amendments to Auburn DCP 2010. Some of the additional work is only likely to effect the future comprehensive LEP for Cumberland.

#### **Communication / Publications**

Public notification will require letters to nearby landholders and an ad in the local papers, with hard copies available at Council's administration buildings and libraries.

#### **Report Recommendation**

- i) That Council publicly exhibit the Draft Auburn and Lidcombe Town Centres Strategy as attached and bring a report back to the CIHAP and to Council on submissions received.
- ii) That a minimum Floor Space Ratio (FSR) of 0.5:1 be non-residential uses in the following precincts in the core of both town centres:
  - a. Precincts 1, 2, 3, 4, 5, 12, 13, 14 and 16 in Auburn Town Centre; and
  - b. Precincts 1, 2, 3, 8, 9, 10, 14 and 15 in Lidcombe Town Centre.
- iii) That consultants be engaged to prepare a detailed view line analysis and study of the Gelibolu Precinct (Precinct 22) and a general view analysis of the surrounding residential areas in both Town Centres, and that a report be brought back to CIHAP and subsequently to Council for consideration.



- iv) That Council staff investigate the potential for provisions for design excellence as part of the preparation of a Comprehensive Local Environmental Plan (LEP) for Cumberland.
- v) That some preliminary investigation of potential opportunities to foster an innovation ecosystem in Lidcombe be undertaken as part of the Cumberland Employment Lands Strategy.
- vi) That a consultant be engaged to prepare a Traffic and Pedestrian Circulation Study for Lidcombe Town Centre in line with priorities identified in Council's Delivery Program and Operational Plan, and that a report be brought back to CIHAP and to Council for consideration in the future.
- vii) That Council investigate the reduction of the FSR for the part of the Lidcombe Town Centre Precinct 3 north of the park.
- viii) That Council investigate the introduction of minimum lots sizes in the Auburn LEP 2010 for the B4 Zone linked to the appropriate FSR and height.
- ix) That Council investigate the height and FSR objectives for the B4 Zone in the Auburn LEP 2010.
- x) That Council consider the heritage listing of the Gallipoli Mosque and shop facades of both Town Centres as an early stage of the Cumberland Heritage Study.
- xi) That the Auburn DCP 2010 controls be updated to support the proposed amendments to the development controls in Auburn and Lidcombe Town Centres.'

Council Resolution

Min. 198 ITEM 133/16 – AUBURN AND LIDCOMBE TOWN CENTRE STRATEGY

Note: Mr. Frank Sartor and Mr. Ross Grove each in turn, addressed the meeting on this item.

Moved and declared carried by the Administrator that:

- i) Council publicly exhibit the Draft Auburn and Lidcombe Town Centres Strategy as attached and bring a report back to the CIHAP and to Council on submissions received.
- ii) A minimum Floor Space Ratio (FSR) of 0.5:1 be non-residential uses in the following precincts in the core of both town centres:
  - a. Precincts 1, 2, 3, 4, 5, 12, 13, 14 and 16 in Auburn Town Centre; and
  - b. Precincts 1, 2, 3, 8, 9, 10, 14 and 15 in Lidcombe Town Centre.
- iii) Consultants be engaged to prepare a detailed view line analysis and study of the Gelibolu Precinct (Precinct 22) and a general view analysis of the surrounding

residential areas in both Town Centres, and that a report be brought back to CIHAP and subsequently to Council for consideration.

- iv) Council staff investigate the potential for provisions for design excellence as part of the preparation of a Comprehensive Local Environmental Plan (LEP) for Cumberland.
- v) Some preliminary investigation of potential opportunities to foster an innovation ecosystem in Lidcombe be undertaken as part of the Cumberland Employment Lands Strategy.
- vi) A consultant be engaged to prepare a Traffic and Pedestrian Circulation Study for Lidcombe Town Centre in line with priorities identified in Council's Delivery Program and Operational Plan, and that a report be brought back to CIHAP and to Council for consideration in the future.
- vii) Council investigate the reduction of the FSR for the part of the Lidcombe Town Centre Precinct 3 north of the park.
- viii) Council investigate the introduction of minimum lots sizes in the Auburn LEP 2010 for the B4 Zone linked to the appropriate FSR and height.
- ix) Council investigate the height and FSR objectives for the B4 Zone in the Auburn LEP 2010.
- x) Council consider the heritage listing of the Gallipoli Mosque and shop facades of both Town Centres as an early stage of the Cumberland Heritage Study.
- xi) The Auburn DCP 2010 controls be updated to support the proposed amendments to the development controls in Auburn and Lidcombe Town Centres.
- xii) The Interim General Manager arrange at least one workshop in each town centre to facilitate face to face consultation during the exhibition period.

#### Attachments

- 1. Report to the Cumberland Independent Assessment Panel, 17 November 2016 - T111855/2016
- 2. Background to the Strategy - T096946/2016
- 3. Minutes of the Cumberland Independent Assessment Panel, 17 November 2016 - T109185/2016 and T109131/2016
- 4. *Draft Auburn and Lidcombe Town Centres Strategy* - T109873/2016
- 5. Appendix A - Auburn and Lidcombe Town Centre Precincts - T110405/2016 and T110406/2016
- 6. Appendix B - Comparison of existing and proposed IFP maps - Auburn Town Centre - T117280/2016

7. Appendix C – Comparison of existing and proposed LEP maps – Lidcombe Town Centre – T117301/2016
8. Appendix D – Summary Table – Draft Auburn and Lidcombe Town Centres Strategy – T110715/2016
9. Appendix E – JBA (March 2015) *Auburn and Lidcombe Town Centres: Investigation into height of building controls and zoning* - T021864/2016

# DOCUMENTS ASSOCIATED WITH REPORT C04/19-64

## Attachment 4 Cumberland IHAP Reports - 17 November 2016





C030/16

Cumberland Council

## Auburn and Lidcombe Town Centres Strategy

Responsible Division:	Environment & Infrastructure
Officer:	Manager Strategy
File Number:	Q-2014-036
Delivery Program Code:	2a.1.3 Provide advice on development, construction and planning issues

### SUMMARY

JBA Consultants completed a study of the heights and zoning in Auburn and Lidcombe Town Centres in February/March 2016 for the former Auburn City Council, consistent with Council's resolution of 20 May 2015 [Item 086/15]. At its meeting of 24th August 2016 [Item C017/16], the Cumberland IHAP resolved that this study be reported to it.

Council planners have reviewed the recommendations of the study as well as a range of other strategies and studies completed or in preparation since that time. A number of changes to the outcomes proposed by JBA are considered appropriate, and a slightly broader approach to the centres is warranted. Accordingly a *Draft Auburn and Lidcombe Town Centres Strategy* have been prepared. This report seeks a recommendation to publicly exhibit the draft Strategy.

### 1. BACKGROUND

#### a. History

A review of the permitted heights for Auburn and Lidcombe town centres was first initiated by Council resolution on 16 April 2014. At this meeting, Council considered DA368/2013 (for the former Venture site) and an associated voluntary planning agreement (VPA). At Item 073/14 Council resolved (in part) the following:

3. *That due to the events that led to the resulting VPA, being the different forms and design qualities a development can take but remaining within the gazetted floor space ratio, Council resolve:*
  - a. *That a planning proposal be prepared to allow for different design concepts within the Auburn Town Centre in the form of increases in height controls and remaining within the gazetted floor space ratios.*
  - b. *The increase in height controls yet complying with the current floor space ratio is to provide building envelopes that will achieve better urban design outcomes, promote design excellence and facilitate the achievement of the objectives of SEPP 65 and the associated Residential Flat Design Code.*

A number of other resolutions of Council or the Cumberland Independent Hearing and Assessment Panel also relate to the review.

Appendix 1 provides an outline of the initiation of the *Investigation of heights and zoning in Auburn and Lidcombe Town Centres*, and its progress to date.

This report addresses the relevant parts of Council resolutions from 16 April 2014 and 20 May 2015 and of the Cumberland IHAP of 14 September 2016.

Cumberland Independent Hearing and Assessment Panel Meeting – 17 November 2016 5

## C030/16

## Cumberland Council

In August 2015, JBA Consultants were engaged to prepare a review of town centre heights and some zoning and FSRs in Auburn and Lidcombe Town Centres anticipated to support a comprehensive review of the *Auburn Local Environmental Plan (LEP) 2010*.

With the postponement of any work on a review of Auburn LEP 2010, primarily due to Council amalgamations, it was recognised there was a need to progress the draft study to public exhibition due to its implication for a number of planning proposals. In addition, Council planners have continued to work on the technical studies in the context of the preparation of the draft district plan with the Greater Sydney Commission. Therefore to take into account both the consultant study, and this continuing work, a *Draft Auburn and Lidcombe Town Centres Strategy* has been prepared.

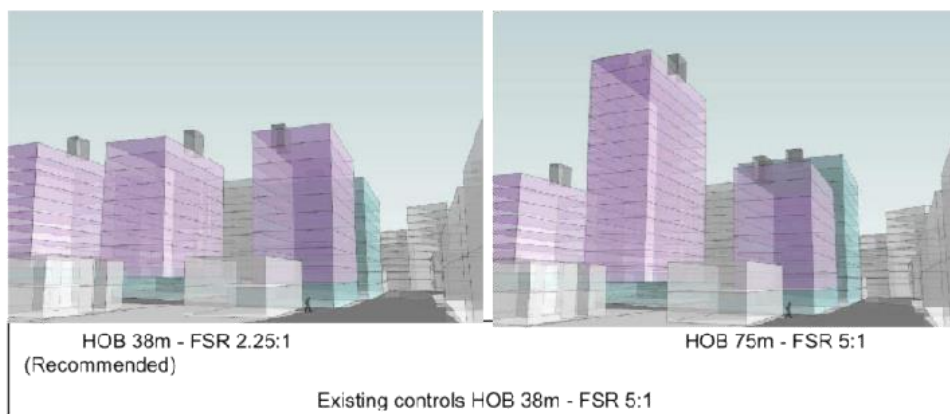
### b. JBA Study

The *Investigation into height of building controls and zoning - Auburn and Lidcombe* (JBA 2015) is included at Attachment 2 and provides the basis for the *Draft Auburn and Lidcombe Town Centres Strategy* (included as Attachment 3). In preparing their study, JBA reviewed the planning controls for 22 precincts in and immediately surrounding Auburn Town Centre and 16 precincts in and around Lidcombe Town Centre. The precincts are shown at Attachment 4.

The main focus of the changes is an increase in both the range and the extent of the maximum height of buildings. For a few precincts only, the consultants were also requested to consider whether a zoning or FSR change would be appropriate.

The study modelled options that comply with the requirements of SEPP 65 *Design Quality of Residential Apartment Development* for a number of specified precincts to guide its recommendations. Examples are provided at Figures 1 and 2. A summary of JBA's recommendations for each precinct and the responding recommendations in the Draft Strategy are outlined in Attachment 5.

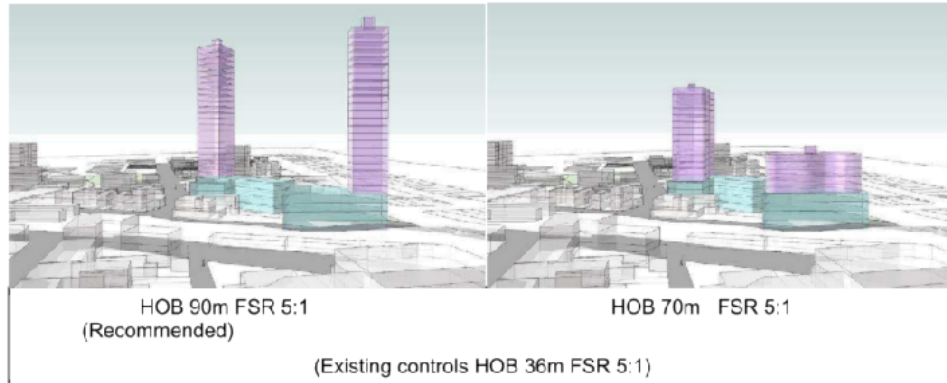
**Figure 1** Precinct 2 Auburn



**C030/16**

**Cumberland Council**

**Figure 2. Precinct 1 Lidcombe**



## **2. DRAFT AUBURN AND LIDCOMBE TOWN CENTRES STRATEGY**

As previously outlined, the draft Strategy (Attachment 3) builds on the work of the JBA study, other technical studies and District planning processes. It proposes a number of principles for the growth of each centre and recommends changes to the existing planning controls to support these principles for both Auburn and Lidcombe Town centres. Attachment 4 provides an outline of the existing controls, those recommended by JBA, and the recommendations in this draft Strategy.

The principles build on the strengths of each centre, and enable an improved and more diverse built form, with a greater emphasis on how people interact with each other and with the built environment. In addition, a small increase in the area of the B4 zoned area in Lidcombe Town Centre (the business area) is proposed, and it is anticipated that the proposed changes will support the first steps in the establishment of an innovation ecosystem<sup>1</sup>, such as those mentioned in the Greater Sydney Commission's *GPOP Greater Parramatta and the Olympic Peninsula (2016)* vision. Such systems support the creation of new jobs in the economy, by providing start-up businesses with links to research facilities, mentoring, networking opportunities and more.

The greatest height proposed in both centres is 76m. The proposed increases in heights have been tested and will be more aligned with the FSRs. They will foster a diversity of built form, provide for a more varied and visible skyline and importantly, will provide opportunities for open space and improved connectivity at the street level. Podium and tower forms are sought to achieve these outcomes.

## C030/16

## Cumberland Council

### <sup>1</sup>Innovation ecosystem

A system of elements built around a locational strength that together to create jobs in a new economy. These elements may include:

- Low cost spaces for emergent businesses
- Office space for established companies
- Co-working spaces and networking infrastructure
- Incubators and accelerators
- Specialist labs and maker spaces
- Multi-modal transport and high speed broadband
- A mix of housing (including low cost housing and live-work spaces)
- Parks, retail spaces
- Public private partnerships, mentoring

City Exchange Report 2016 *Growing the Australian Economy*

The modelling done by JBA demonstrates how increasing heights can achieve public domain improvements. This will be critical in both centres to improve the walkability of the centres, and provide the opportunities for interaction. Nevertheless, this may be harder to achieve in some of the areas where the proposed height increases are more limited where the precinct provides a transition between the business centre and adjoining residential areas.

#### **a. Auburn Town Centre - building heights**

A number of changes to maximum building heights are proposed in the *Draft Auburn and Lidcombe Town Centres Strategy* (Attachment 3) for Auburn Town Centre. On the southern side of the railway, a maximum height of building of 76m is proposed for Precincts 1 and 2 (adjoining Queen St and Harrow Rd), both proposed as key sites. Heights then step down from this core to 60m for the civic precinct and main shopping strip to the south dropping to 45m at the southern part of the shopping strip. The existing height of 18m close to the station is retained to protect the fine grain shop-front facades.

On the northern side, the maximum height proposed is 60m adjoining the rail station (precincts 13 and 14), stepping down away from the station to 38m at the northern fringe. Heights between 27m and 38m are proposed at the peripheries of the centre.

Figure 3 identifies the precincts where a change to the current building heights is proposed. Table 1 below provides a general summary of these height changes.

The maps at Attachment 6 illustrate the current planning controls for each precinct and the controls as recommended in the Draft Strategy.



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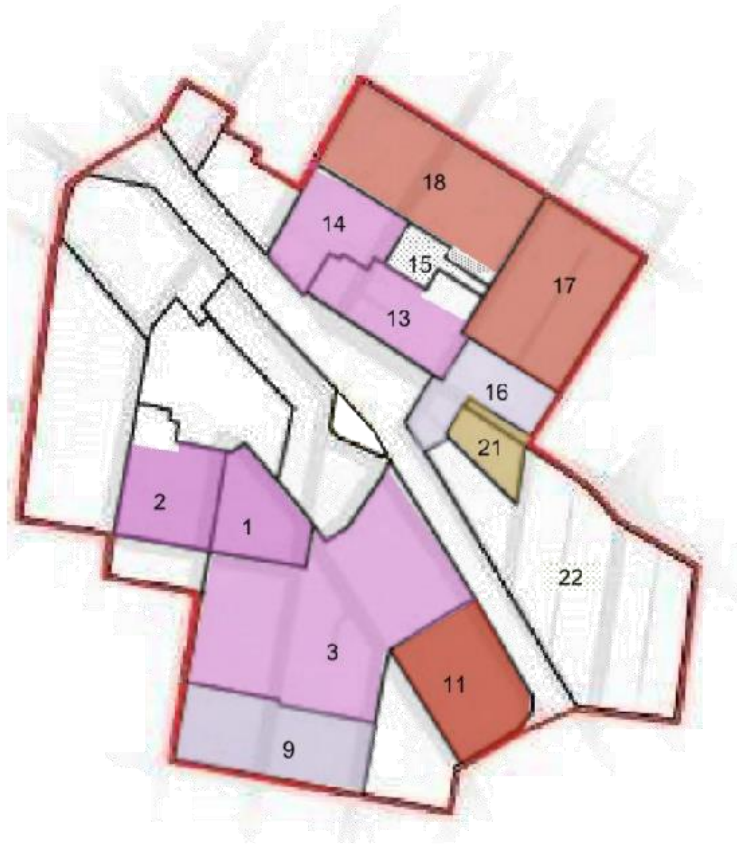
Table 1. Permitted heights proposed to be changed under the Draft Strategy - Auburn

Precinct	Existing height	Proposed height	Rationale
1	49m	76m	Core of centre – potential catalyst for renewal
2	38m	76m	Similar to 1 - potential catalyst for renewal
3	38m	60m	Frames core – encourages design diversity
9	38m	45m	Consistent with approval for 'Venture' site
11	27m	38m	Opportunities for transitional development
13	38m	60m	Provides opportunities for improved public domain
14	38m	60m	Provides opportunities for improved public domain
16	32m	45m	Potential gateway to Auburn from the east
17	18-20m	38m	To support extension of laneways
18	32m	38m	Opportunities for improved design for transitional development
21	9m	20m	Potential gateway to Auburn from the east – increase linked to change to B4 zone, but also considers transition to south
15	38m	38m	Defer consideration, pending decision on use of Council land
22	9m	9m	Defer consideration, pending outcome of further study.



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**Figure 3.** Where changes in building height are proposed – Auburn

 Sites where deferral is recommended.

#### **b. Auburn Town Centre – zoning and FSR**

While the main focus of the study was addressing the discrepancy between heights and existing FSRs, a few changes to zoning and FSR are also proposed in the draft Strategy (Attachment 3). Following is an outline of the precincts where changes are recommended to FSR or for 2 (starred) precincts, to zoning, or where further consideration is required.

Figure 4 identifies the precincts where a change to the current building heights is proposed. Table 2 provides a general summary of these changes.

See Attachment 5 for a more detailed analysis of both the consultant's and the recommendations of the Draft Town Centres Strategy for each precinct in Auburn.

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**Figure 4.** Where changes in zoning or FSR are proposed – Auburn  
 ☆ Sites where zoning changes are also proposed

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Table 2 . Zoning and/or FSR proposed to change under the Draft Town Centres Strategy - Auburn

Precinct	Existing zoning and FSR	Proposed zoning and FSR	Rationale
6	B4 Mixed Use 5:1	B4 Mixed Use 3:1	Constraints of the precinct warrant reduction in FSR: <ul style="list-style-type: none"> <li>Gateway site partially opposite low density residential. 60% of site is church/school owned – there is already substantial opportunity for redevelopment.</li> <li>Only 2 quite small lots remain undeveloped - it would not be possible to an FSR close to the permissible FSR and meet the requirements of SEPP 65.</li> </ul>
8	B4 Mixed Use 5:1	B4 Mixed Use 3:1	Constraints of this precinct warrant reduction in FSR: Overshadowing to the south will be an issue as the precinct is only 1 block deep and to the north of the side boundaries of R4 high Density Residential lands. Further, 1/8 <sup>th</sup> of this already small precinct is heritage listed.
21	R2 Low Density Residential No FSR	B4 Mixed Use 3.6:1 ★	Ground floor retail/commercial uses should be encouraged, given its potential as a gateway to Auburn and proximity to the station and other B4 zoned lands.
15	B4 Mixed Use 5:1	B4 Mixed Use 5:1	Current uses of Council land no longer required. Defer consideration, pending decision on best use.
22	R2 Low Density Residential No FSR	R3 medium Density Residential 0.75:1 ★	Proximity to station warrants consideration of increased density. This limited change is proposed as an interim measure, pending the outcome of studies into traffic access and view lines to the Gallipoli Mosque.

## c. Implications for the Auburn Shopping Village Planning Proposal Application

The application for a planning proposal for 41 Auburn Rd Auburn (Auburn Shopping Village) PP-4/2015 was considered at the September IHAP meeting as discussed in the Background to this report. It was refused at the Council meeting of 5 October 2016, as per the following resolution:

- i) The application for a planning proposal to amend the permissible height of building control from 49m to 96m, and to amend the permissible floor space ratio control from 5:1 to 9:1, for the subject land at 41 Auburn Road, Auburn, not be supported;
- ii) This application not proceed to the Department of Planning and Environment;
- iii) The draft investigation into height and zoning for Auburn and Lidcombe town centres be reported to the Cumberland Council Independent Hearing and Assessment Panel (CIHAP) for review and recommendation, prior to being reported to Council.

Endorsement of the Draft Auburn and Lidcombe Town Centres Strategy for public exhibition will ensure that this strategic work can be used to guide the assessment of planning proposals within the town centres, including the Auburn Village Proposal, should it be amended and re-lodged, or considered by a Sydney Planning Panel in response to an appeal by the applicant.

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*Brief consideration of the Auburn Shopping Village (ASV) proposal within the context of the heights and zoning investigation and draft Strategy*



**Figure 5. Precinct 1  
JBA study**

- A. The ASV site is part of a key town centre precinct bound by Harrow Road to the west, Mary Street to the south, Auburn Road to the east and Queen St to the north. The recent planning proposal application excludes 5 separately owned sites within the precinct. The five sites are located on the Mary St, Harrow Rd and Auburn Road frontages. However, consideration of this key precinct as a whole would release its potential for redevelopment into focal, well designed buildings in a central part of the Town Centre.
- B. The precinct is identified as Precinct 1 in Auburn in the JBA study as shown in Figure 5.
- C. The ASV concept includes a proposed thirty storey mixed use development comprising two (2) residential towers with a conceptual estimated total of 518 units built above a commercial podium. Ground level retail and a public courtyard (600m<sup>2</sup>) with site through-links to Queen Street and a 2,000m<sup>2</sup> cold shell space for a library within the commercial podium were also proposed.

For this precinct (Precinct 1), both the JBA study and the draft Town Centres Strategy concur that:

- the precinct provides an opportunity for landmark architecture podium/ tower forms, with high quality public domain, through-site links, a mix of uses, active street edges and 2-3 storey street wall heights.
- the precinct is a key site at the core of the Auburn Town Centre.
- a mix of height and diversity of form will reinforce its role as a key precinct within Auburn Centre.
- an increase in the maximum height to 76m with the existing zoning and FSR could deliver these outcomes.

A comparison of the controls proposed for the ASV site is outlined in Table 3 (over page).



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**Table 3.** Comparison of controls proposed under *Draft Town Centres Strategy* and JBA study

Zoning			Height of Building			Floor Space Ratio (FSR)		
Existing	Applicant Proposal	JBA and Draft Strategy proposal	Existing	Applicant Proposal	JBA and Draft Strategy proposal	Existing	Applicant Proposal	JBA and Draft Strategy proposal
B4 Mixed Use	B4 Mixed Use	B4 Mixed Use	49m	96m	76m	5:1	9:1	5:1

*Note: The columns in red were not supported at the Cumberland IHAP meeting of August 2016.*

The ASV planning proposal sought to justify the proposed 96m HOB and 9:1 FSR on the basis that it would provide a substantial public benefit, considered in a report by Hill PDA. The proposed benefits related to the provision of a cold shell for a library within the retail component of the proposed development as well as a courtyard with frontage to Queen Street. A further assessment of this is provided below.

## Public Benefits – Proposed Cold Shell Library Space

In terms of the library cold shell, the Hill PDA report estimated the public benefit to be worth \$9.9 million. However, Council's Community Development Unit advised that:

- The splitting of services across two locations (less than two hundred metres apart) and construction of a public library within the retail development was inconsistent with the Council's *Community Facilities Strategy 2014 – 2024*.

The Facilities Strategy proposes to expand the current library within the existing civic precinct which would support both operational efficiencies and best practice criteria for libraries. These include ground floor access, high levels of personal and property safety, full accessibility including from local schools, potential outdoor space, convenient and safe parking and future expansion potential. The eventual relocation of the former Auburn Council's administration offices is likely to facilitate this expansion. This would enable the library to meet the identified best practice benchmark of a minimum gross floor area requirement of 3,535m<sup>2</sup> for a District Library, taking into consideration the anticipated population growth (calculated at the Public Library benchmark of 39m<sup>2</sup> per 1000 people).

The benefits of an expanded library in the current location and in Council ownership, versus the costs of a Council fit out, and the disadvantages of a leased facility, were not considered by the Hill PDA report.

Advice received from NSW Police (Flemington Area Command) stressed that a library facility at the Auburn Shopping Village location would place young people and school aged persons in a vulnerable position given the location of the public square and current safety and crime issues in that vicinity. NSW Police also supported an expanded library as an integral component of the Civic Precinct and ensure safety for all users.



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### Public benefits – Proposed Courtyard and Site Through-linkages

In relation to the courtyard and site through-linkages, the Hill PDA report estimates the public benefit to be \$4.33 million. In this regard, it is considered appropriate for buildings within Precinct 1 (which includes the ASV site) to be of a form that would facilitate the development of a public courtyard and pedestrian linkages consistent with the public domain plan for the Town Centre. Such public domain benefits would provide positive social benefits and improve the public amenity of Town Centre.

It is agreed that the current height of building controls for Precinct 1 could be varied to encourage a taller building form than is permissible under the existing height control of 49m and FSR of 5:1. In this way, delivery of public domain improvements including the courtyard and site through-linkages can be facilitated and the role of this focal precinct as the core of the town centre, reinforced.

However, the existing FSR of 5:1 together with an increased height of 76m as proposed in the *Draft Auburn and Lidcombe Town Centres Strategy* provides significant scope to deliver substantial public domain improvements while achieving a feasible and well-designed development. This is supported by the modelling undertaken by JBA for the adjoining precinct (Precinct 2) identified as a similar site. The modelling found that substantial increases in open space/linkages could be provided with an FSR of 5:1 and a height of 76m.

Indeed, in its modelling, JBA found that public domain improvements could also be achieved with lower heights, as ascertained for other precincts, however, this greater height of 76m was recommended to reinforce the role of both Precincts 1 and 2 as the core of Auburn Town Centre.

#### **d. Lidcombe Town Centre - Heights**

A number of changes to maximum building heights are proposed for Lidcombe Town Centre. On the northern side of the railway, a maximum height of 76m, the greatest height in Lidcombe overall, is proposed for Precincts 9 and part of 8 (the Dooley's site) at the western edge of the town centre. This location is at a prominent point at the entry to Lidcombe from the north, and is in single ownership. The recommended heights then step down along the Church St and the rail line to 70m to the east and then to 60m and 50m adjoining the existing residential apartment block on the corner of Church and Swete Streets. To the north, away from the station, the heights are recommended to step down through 50m to 38m, and down to 20m for the northern and eastern extremities where R4 is recommended. Note that 38m is recommended for the transition areas of the B4 zone on both sides of the railway.

On the southern side the height progression along the rail line generally reflects that to the north, stepping down from 70m for Precinct 1, the triangular precinct to the west containing Council's car park and library, to 50m for the northern part of the Marsden St precinct between Mark and Raphael Streets. To the south along Olympic Drive the heights also step down away from the rail line, forming an L shape around Remembrance Park. The southern-most recommended B4 precincts are proposed at 38m, dropping to 20m for a new high density residential area south of Kerrs Rd.

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Height changes are proposed for all precincts, though for some precincts the change is minimal. Table 4 below provides a general summary of the height changes. Figure 6 maps the proposed height controls.

The maps at Attachment 7 illustrate the current planning controls for each precinct and the controls as recommended in the Draft Strategy, while Attachment 5 provides a more detailed analysis by precinct.

**Table 4.** Permitted heights proposed to be changed under the Draft Strategy –Lidcombe

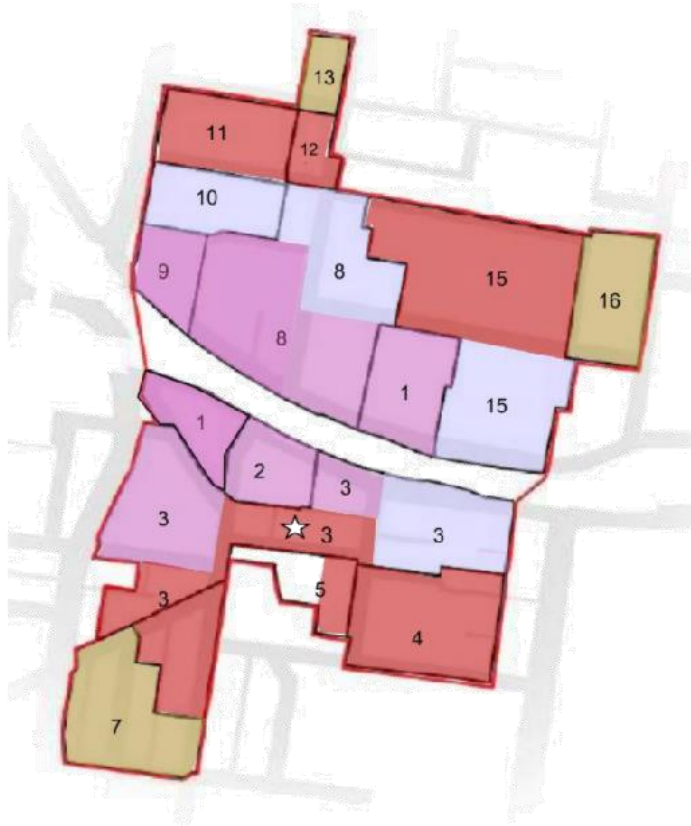
Precinct	Existing height	Proposed height	Rationale
1	36m	70m	Provides opportunities for improved built form and pedestrian links/open space, and potentially, changes in traffic patterns. Contains Council owned land.
2	32m	60m	Potential catalyst for renewal. Steps down from the west.
3	32m and 36m	60m, 50m and 38 - 45m ★	60m fronting Railway St and for 'Westella' site warranted due to proximity to station and/or lot ownership patterns. The 50m would provide a step down to the east, further from the station.  The 38m-45m component limits the height to protect solar access to Memorial Park. The 45m would be permitted only where solar access is not reduced. Alternatively, a reduced FSR could be considered for this section of the precinct to protect solar access to the park.
4	32m	38m	Provides opportunities for improved design in a transition area.
5	32m	Part 38m, part no height	The 38m component - provides opportunities for improved design in a transition area. The no -height component - associated with the proposed rezoning to RE1 Public Open Space.
6	32m	38m	Provides opportunities for improved design in a transition area.
7	9m	20m	Associated with the proposed change in zoning to R4 High Density Residential.
8	32m and 36m	76m, 70m and 50m	Provides opportunities for new links and open space, and reinforces centre hierarchy. Steps down away from precinct 9.
9	60m	76m	Key corner location - opportunities for new pedestrian links. Potential catalyst for renewal.
10	18-20m	50m	Associated with proposed rezoning to B4 to expand the commercial area. Provides step down to the north away from the rail line.
11	18-20m	38m	Increased height warranted due to proximity to centre. 38m provides opportunities for good design in a transition area.
12	36m	38m	Building under construction - no practical effect, but consistent with other transition precincts.
13	18-20m	20m	Single height and FSR is more practical for this precinct
14	32m	60m	Similar to precinct 2. Would allow school to develop a vertical campus.
15	18-20m	38m and 50m	38m provides increased opportunities for good design in a transition area. 50m area is associated with proposed change in zoning to B4, and proximity to station
16	9m	20m	Change associated with proposed change in zoning to high density residential.

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**Figure 6. Proposed changes in building height - Lidcombe**

**e. Lidcombe Town Centre - Zoning and FSR**

As with Auburn Town Centre, a few changes to zoning and FSR are also proposed for Lidcombe Town Centre. Table 5 below outlines the key changes recommended to zoning or FSR or where further consideration is required. Figure 7 maps the precincts where changes are proposed. See Attachment 5 for a detailed analysis of both the consultant's and staff recommendations for each precinct in Lidcombe.

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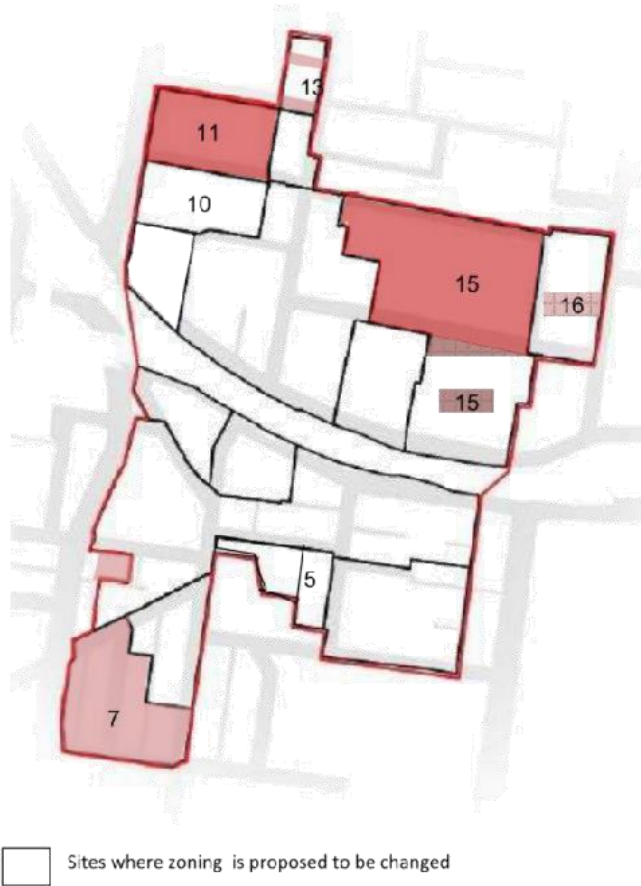
**Table 5.** Proposed changes to zoning and FSR in Lidcombe

Precinct	Existing zoning and FSR	Proposed zoning and FSR	Rationale
5	B4 Mixed Use 5:1	Part B4 Mixed Use 5:1 and Part RE1 Public Recreation No FSR	The draft <i>Open Space and Recreations Strategy</i> for the former Auburn LGA recommends rezoning the land fronting Taylor St for the extension of Remembrance Park - already part owned by Council. However, the proposed zoning would result in the need to acquire a further 2,400m <sup>2</sup> over time.
7	R2 Low Density Residential No FSR	R4 High Density Residential FSR - 2	Within 600m walk from the rail station Minimises land use conflict with B4 to the north-east. Consistent with the R4 zoning to the east.
10	R4 High Density Residential FSR - 1:7 2:1 at corners	B4 Mixed Use FSR - 3.5	Consistent with Council's resolution of 20 May 2015. Could assist in servicing strong local retail demand.  Note this site is now subject to assessment for a State Significant Development proposal.
11 4	R4 High Density Residential FSR 1.7 with 2 at corners	R4 High Density Residential FSR - 3	Warranted as precinct is close to centre Provides opportunities for through links and open space.
13	R4 High Density Residential FSR 1.7 with 2 at corners	R4 High Density Residential FSR - 2	Single FSR more practical for this precinct.
15	R4 High Density Residential FSR 1.7 with 2 at corners	<b>South of Mary St</b> B4 Mixed Use FSR - 3.5 <b>North of Mary St</b> R4 High Density Residential FSR - 3	Zoning increases retail capacity and jobs close to the station. Increased FSR warranted as precinct is close to core of centre Transitions to residential to the north. Supports public domain improvements.
16	R3 Medium Density Residential FSR - 0.75	R4 High Density Residential FSR - 2	Within 600m walk from the rail station. Supports opportunities for an east-west link through the precinct.
Land north of Freitas Lane	R4 High Density Residential FSR 1.7 and 2	R4 High Density Residential FSR- 2	Not in study area, however, effectively surrounded by Precinct 3. Consistent FSR across this tiny precinct more practical.



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**Figure 7.** Precincts where changes are proposed to zoning and/or FSR – Lidcombe

#### f. Supporting Work

The recommended changes in zoning, height and FSR are anticipated to encourage better design quality while improving the feasibility of redevelopment under the LEP. In a number of cases the proposed increases in height are substantial. It is clear that the increases in heights will significantly improve the opportunities for landowners to achieve the associated FSRs.

If quality design and good public domain outcomes are to be achieved, the following additional work is recommended by the Draft Strategy:

- i. Site specific Development Control Plan (DCP) amendments, to include:
  - The formalisation of the overarching vision for each centre
  - The urban design principles for each precinct
  - Public domain outcomes sought for each precinct
  - Desired amalgamation patterns



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- Controls for active street frontages in the business areas, and
  - The identification of key sites for landmark architecture to reinforce the hierarchy and role of the centres.
- ii. Investigation of mechanisms to achieve design excellence, such as a design excellence provision in the LEP. The CIHAP may wish to consider reviewing heights in the core of both town centres to allow for the possible introduction of design excellence provisions in the future, as part of the preparation of a comprehensive LEP for Cumberland.
- iii. Investigation of measures to ensure active frontages within the B4 zone, e.g.:
- A minimum non-residential FSR within the overall permitted floor space in the B4 zone, particularly within the core of these centres. This report recommends a minimum FSR of 0.5:1 be non-residential uses within certain precincts of the core of both centres as an initial step.
  - An active frontages clause in the LEP
  - Other strategies.
- iv. Inclusion of minimum lot size requirements in the LEP for redevelopment in the centres.

The studies that are still in preparation, such as the *Draft Open Space and Recreation Strategy*, and the draft Bike Plan will help to inform the final adopted direction for key parts of these centres.

In addition, the following recommended work is specific to each centre:

### Auburn

- i. A view line analysis of the Gallipoli Mosque and its incorporation within a master-planning process that includes consideration of access, traffic and flooding for Precinct 22.
- ii. A pilot Façade Upgrade Program to support landowners in Precinct 5 to de-clutter and appropriately restore/renovate/paint the traditional shop facades

### Lidcombe

Unlike Auburn Town Centre, no improvements have been made to the traffic, bicycle and pedestrian circulation patterns in Lidcombe Town Centre. The increased heights will enable new developments to provide public domain benefits, including opportunities that would allow for improved circulation around the centre.

Updating the Contributions Plan will support changes to circulation infrastructure and public domain upgrades in Lidcombe, supported by other value capture mechanisms, such as voluntary planning agreements. A major review of the Contributions plans for Cumberland is currently underway and is being progressed as a key priority for Council.

It is recommended that:

- i. A Traffic (vehicle and pedestrian) circulation study be prepared for Lidcombe Town Centre to enable the efficient functioning of the centre and to guide the site specific DCP controls for Lidcombe.

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- ii. A public domain plan be prepared following the completion Traffic circulation strategy.
- iii. A supportive planning framework be investigated for the surrounding lands, and that Council start to actively build relationships with key industries and landowners, mentoring organisations and educational facilities, to enable the establishment of an innovation ecosystem.

### 3. FINANCIAL IMPLICATIONS

The exhibition of the *Draft Auburn and Lidcombe Town Centres Strategy* is covered within the normal budget of Planning.

The recommendations include the completion of additional supporting work. Some of this work would depend on the outcomes of the exhibition and the likely timeframe for the making of a planning proposal should the recommendations be adopted by Council following the exhibition.

Additional work recommended by the draft Strategy can be considered for inclusion in the budget for forthcoming financial year/s for Council, with the exception of the Gelibolu Precinct study, which is considered to be a high priority.

- i. *The Gelibolu Precinct study (high priority), and the investigation of active frontages and design excellence.*

These can be covered under the Environment and Infrastructure budget.

- ii. *Lidcombe Town Centre Traffic and Pedestrian Circulation Strategy*

This is a major study, which will take time to complete, and is anticipated to include a number of options for Council's consideration. Council's Chief Financial Officer has identified that there have been funds collected under the relevant section of the Development Contributions Plan to cover the cost of the preparation of this study.

- iii. *Preliminary investigation work in relation to the potential interest from research institutions, landholders and developers and mentoring associations to support the establishment of an innovation ecosystem in Lidcombe.*

This work may be collaboratively undertaken by a number of teams across Council, and would be informed by the draft Cumberland Employment lands Strategy which will be undertaken in 2017.

#### Report Recommendation:

**That the Cumberland Independent Hearing and Assessment Panel (CIHAP) recommend:**

1. **That Council publicly exhibit the Draft Auburn and Lidcombe Town Centres Strategy and the Auburn and Lidcombe Town Centres: Investigation into height of building controls and zoning (JBA study) and bring a report back to the Cumberland Independent Hearing and Assessment (IHAP) and to Council following the consideration of submissions.**

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2. That a minimum FSR of 0.5:1 be non-residential uses in the following precincts in the core of both town centres:
  - a. Precincts 1 and 2 in Auburn Town Centre; and
  - b. Precincts 1, 2, 9, and the parts of Precinct 8 with a recommended height designation of AA2 (that is, south of Board Street on the western side of John Street, and south of Mary Street on the eastern side of John Street).
3. That consultants be engaged to prepare a view line analysis and study of the Gelibolu Precinct (Precinct 22) and that a report be brought back to Cumberland IHAP and to Council for consideration.
4. That Council staff investigate the potential for provisions for design excellence as part of the preparation of a Comprehensive LEP for Cumberland.
5. That some preliminary investigation of potential opportunities to foster an innovation ecosystem in Lidcombe be undertaken as part of the Cumberland Employment Lands Strategy.
6. That a consultant be engaged to prepare a Traffic and Pedestrian circulation study for Lidcombe Town Centre in line with priorities identified in Council's Delivery Program and Operational Plan, and that a report be brought back to Cumberland IHAP and to Council for consideration in the future.

### ATTACHMENTS (to be circulated to CIHAP members under separate cover):

1. Background to the *Draft Auburn and Lidcombe Town Centres Strategy* T096946/2016
2. JBA (March 2015) *Auburn and Lidcombe Town Centres: Investigation into height of building controls and zoning* - T021864/2016
3. *Draft Auburn and Lidcombe Town Centre Strategy* T086788/2016
4. Appendix B Precinct maps -T008794/2016
5. Appendix D Summary of outcomes of the study and staff recommendations - T002553/2016
6. Appendix C Maps of Auburn Town Centre – current and recommended controls - T010223/2016
7. Appendix E Maps of Lidcombe Town Centre – current and recommended controls - T017973/2016




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## **Minutes of the Council Meeting 17 April 2019**

**Meeting commenced at 6:36pm**

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### **Present:**

Greg Cummings (Mayor)	Councillor
Glenn Elmore (Deputy Mayor)	Councillor
Ned Attie	Councillor (arrived 6:44pm)
George Campbell	Councillor
Steve Christou	Councillor
Paul Garrard	Councillor
Ross Grove	Councillor
Ola Hamed	Councillor
Kun Huang	Councillor
Lisa Lake	Councillor
Joseph Rahme	Councillor
Suman Saha	Councillor
Eddy Sarkis	Councillor
Michael Zaiter	Councillor
Tom Zreika	Councillor
Hamish McNulty	General Manager
Melissa Attia	Director People & Performance
Daniel Cavallo	Director Environment & Planning
Brooke Endycott	Director Community Development
Peter Fitzgerald	Director Works & Infrastructure
Richard Sheridan	Director Finance & Governance

### **Also Present:**

Charlie Ayoub	Group Manager Corporate & Customer
Monica Cologna	Manager Strategic Planning
Carol Karaki	Governance Coordinator
Laith Jammal	Governance Administration Officer

### **Opening Prayer**

The opening prayer was read by Pdt Jatinkumar Bhatt from Sri Mandir Hindu Temple.

### **Acknowledgement of Country**

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

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

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**C04/19-62 Tender Evaluation Report - Granville Multipurpose Centre**

This item was dealt with earlier in the meeting.

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**Min.490 C04/19-63 Request for Partnership - Community Iftar Dinner 2019****Resolved (Zreika/Attie)**

That Council support the delivery of a Community Iftar Dinner on Tuesday, 21 May 2019 in partnership with the Auburn Gallipoli Mosque.

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**Min.491 C04/19-64 Auburn and Lidcombe Town Centres Planning Controls Strategy**

**Note:** Councillor Zreika exited the Chamber at 7:34pm during the consideration of this item as he had declared a pecuniary interest in this item.

**Motion (Attie/Sarkis)**

That Council:

1. Note the submissions received on the planning controls strategy for Auburn and Lidcombe Town Centres.
2. Note that planning controls for the Auburn Town Centre remain unchanged for Precincts 4, 5, 7 and 10.
3. Adopt the planning controls strategy for Auburn Town Centre in Precincts 2, 3, 6, 8, 11, 14, 15, 16a and 18, with these controls reflecting current arrangements or exhibited controls.
4. Adopt the planning controls strategy for Auburn Town Centre in Precincts 1, 9, 12, 13 and 17, with revisions made to these controls in response to submissions or further assessment by Council.
5. Adopt the planning controls strategy for Lidcombe Town Centre in Precincts 4, 5, 6, 10, 11, 12, 13, 15 east and west along Mary St to be zoned B4 until the intersection of Frederick St, 16a and 17, with these controls reflecting current arrangements or exhibited controls.
6. Adopt the planning controls strategy for Lidcombe Town Centre in Precincts 1, 2, 3, 7, 8, 9, and 14, with revisions made to these controls in response to submissions or further assessment by Council.
7. Implement the adopted planning controls strategy for Auburn and Lidcombe Town Centres as part of the new Cumberland Local Environmental Plan.
8. Note that the adopted planning controls strategy for Auburn and Lidcombe Town Centres will be subject to further public consultation and further review by the Cumberland Local Planning Panel as part of the new Cumberland Local Environmental Plan.



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9. Note that further assessment on the planning controls strategy for Auburn Town Centre will be undertaken in Precincts 16b, 21 and 22.

**Amendment (Lake/Elmore)**

That recommendations 2-9 be omitted from the Motion and the following be inserted:

2. Council hold a workshop to consider the effect of any design excellence provision to be included in the Cumberland Local Environmental Plan on proposed planning controls for the Auburn and Lidcombe Town Centres.
3. Council then resolve the effect of this provision as outlined in Recommendation 1.
4. In accordance with Council resolution 21.12.16, the Draft Auburn and Lidcombe Town Centres Strategy and submissions received be reported to the Cumberland Local Planning Panel for consideration and recommendation to Council.
5. A site visit of the Auburn Town Centre and a site visit of the Lidcombe Town Centre be held with reference to the draft strategy.
6. The Auburn Town Centre Strategy and the Lidcombe Town Centre Strategy be reported to Council separately.

The Amendment moved by Councillor Lake seconded by Councillor Elmore on being Put was declared CARRIED.

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

Councillor(s) For the Amendment:	Campbell, Christou, Elmore, Garrard, Hamed, Huang, Lake and Saha.
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Councillor(s) Against the Amendment:	Attie, Cummings, Grove, Rahme, Sarkis and Zaiter.
--------------------------------------	---

The Amendment moved by Councillor Lake seconded by Councillor Elmore then became the motion as follows:

**Motion (Lake/Elmore)**

That Council:

1. Note the submissions received on the planning controls strategy for Auburn and Lidcombe Town Centres.
2. Council hold a workshop to consider the effect of any design excellence provision to be included in the Cumberland Local Environmental Plan on proposed planning controls for the Auburn and Lidcombe Town Centres.
3. Council then resolve the effect of this provision as outlined in Recommendation 1.
4. In accordance with Council resolution 21.12.16, the Draft Auburn and Lidcombe Town Centres Strategy and submissions received be reported to the Cumberland Local Planning Panel for consideration and recommendation to Council.
5. A site visit of the Auburn Town Centre and a site visit of the Lidcombe Town Centre be held with reference to the draft strategy.

- 
6. The Auburn Town Centre Strategy and the Lidcombe Town Centre Strategy be reported to Council separately.

The motion moved by Councillor Lake seconded by Councillor Elmore on being Put was declared CARRIED to become the resolution of Council.

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

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

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

Councillor Zaiter left the Meeting at 7:34pm and returned to the Meeting at 7:37pm during the consideration of this item.

Councillor Christou left the Meeting at 7:42pm and returned to the Meeting at 7:44pm during the consideration of this item.

Councillor Sarkis left the Meeting at 7:57pm and returned to the Meeting at 7:59pm during the consideration of this item.

Councillor Rahme left the Meeting at 7:59pm and returned to the Meeting at 8:07pm during the consideration of this item.

Councillor Grove left the Meeting at 8:04pm and returned to the Meeting at 8:09pm during the consideration of this item.

Councillor Zaiter left the Meeting at 8:06pm and returned to the Meeting at 8:07pm during the consideration of this item.

Councillor Rahme left the Meeting at 8:11pm and returned to the Meeting at 8:16pm during the consideration of this item.

Councillor Hamed left the Meeting at 8:12pm and returned to the Meeting at 8:16pm during the consideration of this item.

---

**Min.492 C04/19-65 264 Woodville Road, Merrylands (Former John Cootes Site): Update on Draft Development Control Plan and Voluntary Planning Agreement Offer**

**Note:** Councillor Zaiter exited the Chamber at 8:42pm during the consideration of this item as he had declared a significant, non-pecuniary interest in this item.

**Resolved (Attie/Garrard)**

---

9. Undertake consultation with affected residents as part of this process.

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

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

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

---

**Min.496 Leave of Absence – Councillor Sarkis**

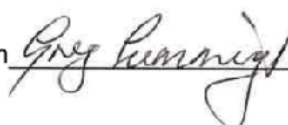
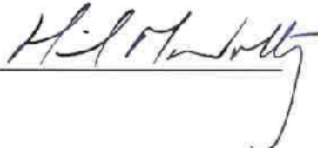
**Note:** Councillor Sarkis requested Leave of Absence for the Council Meeting to be held on 1 May 2019.

**Resolved (Garrard/Zreika)**

That Councillor Sarkis be granted Leave of Absence for the Council Meeting to be held on 1 May 2019.

---

The Mayor, Councillor Cummings closed the meeting at 9:09pm.

Chairperson  General Manager 



Item No: C08/19-177

## **DRAFT HOLROYD SPORTS GROUND PLAN OF MANAGEMENT**

Responsible Division: Works & Infrastructure  
Officer: Director Works & Infrastructure  
File Number: HC-17-09-10  
Community Strategic Plan Goal: *A great place to live*

### **SUMMARY**

---

Council has recently completed the public exhibition process for the Holroyd Sports Ground Draft Plan of Management which has been undertaken in accordance with the requirements of the *Local Government Act* (1993).

This report details the results of submissions received during the public exhibition period and recommends the adoption of the Holroyd Sports Ground Plan of Management.

### **RECOMMENDATION**

---

**That Council adopt the Holroyd Sports Ground Plan of Management incorporating the Holroyd Sports Ground Landscape Masterplan, as included in Attachment 1 and 2 of this report.**

### **REPORT**

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At the Ordinary Meeting of Council held on 15 May 2019, Council resolved to place the *Draft Holroyd Sports Ground Plan of Management* on public exhibition for community feedback in accordance with *Section 38* of the *NSW Local Government Act* (1993) (Min.524).

Council received two (2) submissions during the 42 day public exhibition period. Council has formally responded to all respondents who made a submission and notified them of the consideration of this item at this Council meeting.

A summary of all submissions received and Council's response is outlined in Attachment 4 of this report.

In accordance with Attachment 4, Council has now addressed all public feedback and recommends the *Holroyd Sports Ground Plan of Management* (POM) as included in Attachment 1 of this report be adopted by Council.



## Land Categorisation

In accordance with Section 36 of the *Local Government Act* (1993) and the outcome of the preparation process and public hearing, the community land within the open space study area has been identified and re-categorised from the previous Plan of Management as Sportsground, General Community Use and Natural Area – Watercourse.

## COMMUNITY ENGAGEMENT

---

In accordance with the requirements of the *Local Government Act* (1993), the public exhibition of Draft Plans of Management and the undertaking of a public hearing are required to confirm the category of community land, prior to its adoption by Council.

Council publicly exhibited the *Draft Holroyd Sports Ground Plan of Management*, for a period of 42 days from Thursday 16 May, 2019 to Wednesday 26 June, 2019 inclusive.

The exhibition period comprised of:

- 28 day public exhibition period
- 14 day period for community response and submissions following the conclusion of the public exhibition period

Details of the public exhibition and public hearing were notified to the local community and stakeholders through;

- Council's 'Have Your Say' online web page which provided further information and downloadable copies of the draft plan.
- Invitations emailed to primary stakeholders
- Notification signage at the Holroyd Sports Ground
- Notifications distributed to residential and commercial properties within a 200 metre radius of the Holroyd Sports Ground area
- Notification via Council's social media outlets including Facebook

All notifications invited community feedback via post, email or online.

Council had 124 visits to the 'Have Your Say' community engagement website during the public exhibition period, with 33 people downloading a copy of the *Draft Holroyd Sports Ground Plan of Management*.

Additionally, Council appointed a consultant to preside over the public hearing, which was held from 6:00pm to 7:30pm at the Holroyd Centre, on Tuesday 18 June, 2019. There were no attendees at the public hearing, and details are provided in Attachment 3 of this report.

## Proposed Amendments

Submissions were received from two (2) respondents. Council has formally responded to all respondents who made a submission and notified them of the consideration of this item at this Council meeting.

The submissions propose that the *Draft Holroyd Sports Ground Plan of Management* is updated to reflect updated roles and responsibilities of the Holroyd Sports Ground Local Park Committee, per the Cumberland Council Parks and Facilities Committee Constitution, 2017.

Additionally, the submissions received also propose better pedestrian access, landscaping and opportunities for native vegetation habitats to be rejuvenated and retained.

The proposed submissions have been incorporated in Attachment 1 of this report. There are no other significant issues that warrant modification or the re-exhibition of the *Draft Holroyd Sports Ground Plan of Management*.

## POLICY IMPLICATIONS

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

## RISK IMPLICATIONS

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Adoption of this report will ensure Council is compliant with the *Local Government Act* (1993).

## FINANCIAL IMPLICATIONS

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Funding for improvement works in the Draft Holroyd Sports Ground Plan of Management Action table will be considered in the development of Council's future capital works program(s).

## CONCLUSION

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The Holroyd Sports Ground Plan of Management has been prepared to guide the ongoing management and development of the Holroyd Sports Ground open space area.

Council has publicly exhibited the *Draft Holroyd Sports Ground Plan of Management*, and formally responded to all who made a submission. The *Draft Holroyd Sports Ground Plan of Management* incorporating the *Draft Holroyd Sports Ground Landscape Masterplan* is now recommended for adoption by Council.

## ATTACHMENTS

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1. Draft Holroyd Sports Ground Plan of Management [↓](#) 
2. Draft Holroyd Sports Ground Masterplan [↓](#) 
3. Holroyd Sports Ground Plan of Management Public Hearing Report [↓](#) 
4. Summary of Submissions [↓](#) 



**DOCUMENTS  
ASSOCIATED WITH  
REPORT C08/19-177**

**Attachment 1  
Draft Holroyd Sports Ground Plan  
of Management**







**CUMBERLAND  
COUNCIL**

## **Holroyd Sports Ground Plan of Management**

**Final – July 2019**

# HOLROYD SPORTS GROUND PLAN OF MANAGEMENT

FINAL

17 JULY 2019



PARKLAND  
PLANNERS

phillipsmart

CUMBERLAND COUNCIL

---

# HOLROYD SPORTS GROUND PLAN OF MANAGEMENT

---

FINAL

17 JULY 2019

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# ACKNOWLEDGEMENTS

## Cumberland Council

Adrian Burns	Group Manager Parks and Recreation
Christine Deaner	Manager Open Space Planning and Design
Daniel Anderson	Manager, Environment and Resource Recovery
Jane Elias	Local Studies Librarian
Adam Ford	Landscape Architect
Emma Higgins	Sports Club Liaison Officer
Susan Miles	Senior Landscape Architect
Mark Taylor	Public Open Space Planner
Linda Wright	Recreation Planner

## Holroyd Sports Ground Local Committee

Dave Cummings  
Aino Matwisyk  
Glen Richardson  
Rob Sherwood

## User groups

Holroyd Little Athletics Centre  
  
Merrylands Wolves Rugby Union Club

# 1 INTRODUCTION

## 1.1 What is a Plan of Management?

A Plan of Management provides the framework for managing public land. It sets out how public land is intended to be used, managed, maintained and enhanced in the future.

A Plan of Management is required to be prepared for public land which is classified as community land under the *Local Government Act 1993*.

A Plan of Management for an area of community land is usually accompanied by a landscape plan which shows proposed spatial changes.

## 1.2 Background

The first Plan of Management for Holroyd Sports Ground was prepared by EDAW in 1997. A subsequent Plan of Management for Holroyd Sports Ground was prepared by Manidis Roberts Consultants in 2004.

Since that time the sportsground amenities building has been rebuilt, and facilities for sporting activities have been improved.

Approximately 1,500m<sup>2</sup> of land owned by the Department of Transport (former Roads and Maritime Services) and the Department of Planning and Industry (former Department of Planning and Environment) at Holroyd Sports Ground was used as an ancillary facility site during the M4 Widening project, part of constructing the WestConnex road transport project.

Cumberland Council has resolved to spend the \$96,000 revenue obtained from rental of part of Holroyd Sports Ground for an advertising sign on upgrading Holroyd Sports Ground. The purpose of preparing this Plan of Management is to identify and implement priorities for works to be funded by this revenue.



### 1.3 Land to which this Plan of Management applies

This Plan of Management applies to Holroyd Sports Ground and part of A'Becketts Creek in Holroyd as shown in Figure 1. The study area is bordered by the M4 Motorway along the northern edge, and a primarily industrial area and A'Becketts Creek to the south.

Key features of Holroyd Sports Ground are:

- ☐ athletics track and field facilities (long and triple jump pits, shot put and discus facilities)
- ☐ lit sports fields
- ☐ amenities building
- ☐ car park
- ☐ shared pathway on the northern and western sides
- ☐ advertising sign
- ☐ A'Becketts Creek.

Figure 1 Holroyd Sports Ground



## 1.4 Objectives of this Plan of Management

Cumberland Council's objectives and desired outcomes are to prepare a Plan of Management for Holroyd Sports Ground which:

- ☐ meets the requirements of the *Local Government Act 1993* for management of community land, and other relevant legislation.
- ☐ includes clear and achievable management strategies which reflects Council's corporate and planning goals and policies.
- ☐ reflects the values and desired outcomes of engagement with the community, local residents, and other stakeholders.
- ☐ identifies and considers cultural heritage, environmental, open space and recreational values, and the balancing of such values.
- ☐ sets out how Holroyd Sports Ground will be used, improved, maintained and managed into the future.
- ☐ determines priorities for future assets, embellishment works, and maintenance requirements.



- includes a Landscape Masterplan which shows spatial actions.



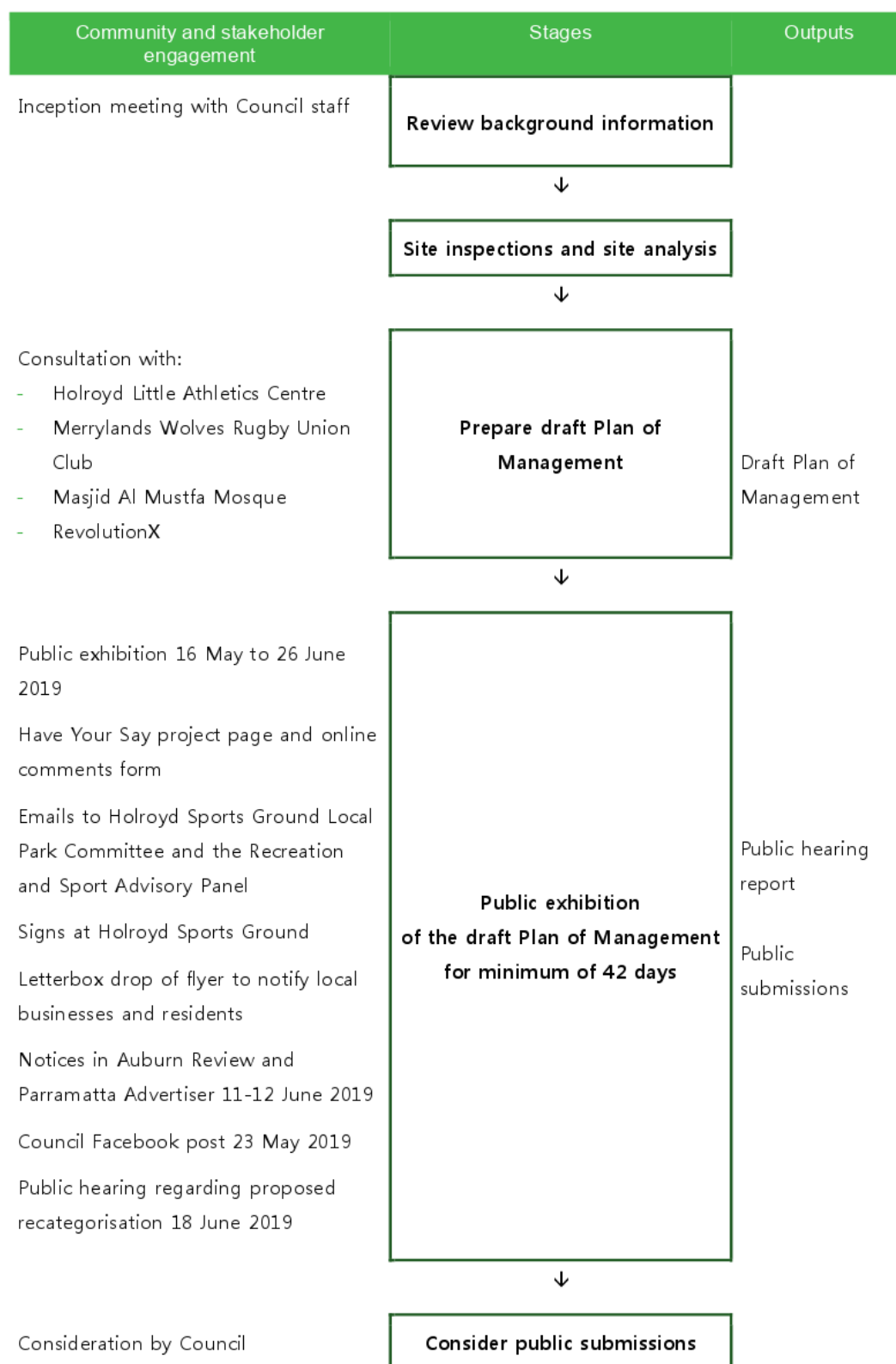
## 1.5 Process of preparing this Plan of Management

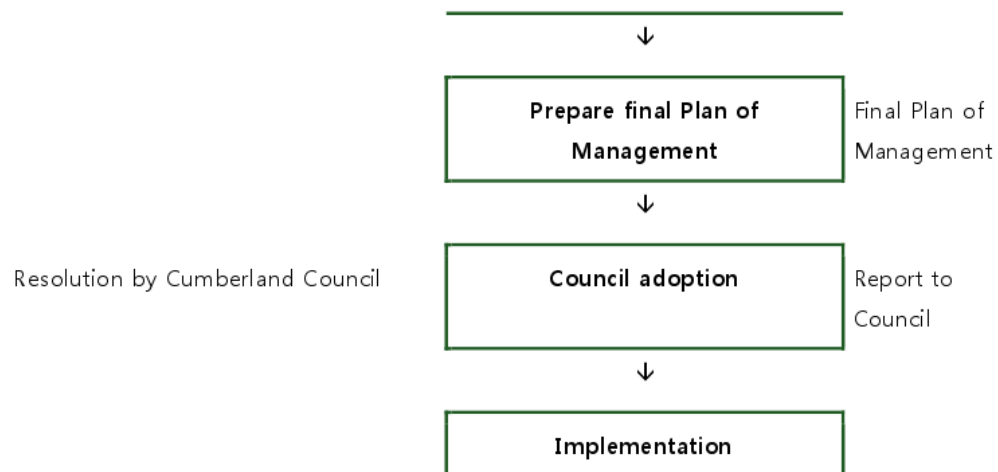
The process of preparing this Plan of Management, consultations with stakeholders and the community, and documents produced at each stage, are shown in Figure 2.

Engagement with the community is an important part of the preparation of this Plan of Management. It gives everyone in the community the chance to have an input into the planning process so Council has a better understanding of the range of values, issues and concerns, and desired improvements to consider when preparing the Plan of Management.

The Draft Plan of Management for Holroyd Sports Ground was placed on public exhibition for public comment for the statutory 42 days from 16 May to 26 June 2019. Council received submissions from two people and from the Holroyd Sportsground Local Park Committee regarding the Draft Plan of Management during the public exhibition. These submissions were considered, and appropriate changes were then made to finalise the Plan of Management and Landscape Masterplan.

Figure 2 Process of preparing this Plan of Management





## 1.6 Contents of this Plan of Management

This Plan of Management is divided into the following sections, as outlined in Table 1.

**Table 1 Structure of this Plan of Management**

Section	What does it include?
1 <b>Introduction</b>	Background to the Plan of Management
2 <b>Description of Holroyd Sports Ground</b>	History, ownership and management, physical description, facilities, uses, maintenance, funding
3 <b>Basis for Management</b>	State planning legislation, regional and local planning context; values of the community and users, vision, roles, management objectives, permitted future uses and developments, scale and intensity of use, use agreements
4 <b>Action Plan</b>	Concept plan, strategies and actions to resolve issues consistent with values, performance measures to implement actions.
5 <b>Implementation and Review</b>	Management, funding, reporting, review

Requirements of the *Local Government Act 1993* for the contents of a Plan of Management, and where they can be found in this Plan, are listed in Table 2.

**Table 2 Contents of a Plan of Management for community land**

Requirement of the Local Government Act	How this plan satisfies the Act
A description of the condition of the land, and of any buildings or other improvements on the land as at the date of adoption of the Plan of Management	Section 2
A description of the use of the land and any such buildings or improvements as at the date of adoption of the Plan of Management.	Section 2
Categorisation of community land	Section 3
Core objectives for management of the land.	Section 3
The purposes for which the land, and any such buildings or improvements, will be permitted to be used.	Section 4

Requirement of the Local Government Act	How this plan satisfies the Act
The purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise.	Section 4
A description of the scale and intensity of any permitted use or development.	Section 4
Authorisation of leases, licences or other estates over community land.	Section 4
Objectives and performance targets.	Section 5
Means by which the plan's objectives and performance targets will be achieved.	Section 5
Means for assessing achievement of objectives and performance targets.	Section 5



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## 2 DESCRIPTION OF HOLROYD SPORTS GROUND

### 2.1 Locational context

The location of Holroyd Sports Ground in relation to adjoining and nearby landuses, and its built and natural elements, are shown in Figure 3.

**Figure 3 Locational context of Holroyd Sports Ground**



Holroyd Sports Ground is bounded by the M4 Motorway to the north, A'Becketts Creek to the south, and Peel Street and Robert Street to the west. Commercial and industrial properties adjoin the sportsground and creek on the south-western, southern and eastern boundaries.

## 2.2 History

### 2.2.1 Indigenous history

At the time of European settlement, the Cumberland local government area was home to several clans of the Darug people. The Bidjigal clan occupied the areas now known as Merrylands, Guildford, Villawood and Bankstown.

### 2.2.2 Historical events

The history of Holroyd Sports Ground and its use is described in Appendix A.

Key events in the history of Holroyd Sports Ground are:

**Table 3 Key events in the history of Holroyd Sports Ground**

Year	Event
1930s-1940s	A'Becketts Creek was an unofficial dumping ground for heavy waste, including car bodies and kitchen items, and night soil.
1956	A proposal was raised for a nightsoil dump at Peel Street to be discharged into the Water Boards' sewer at A'Becketts Creek.
c.1960	Correspondence began about transferring land to Holroyd Council by the Cumberland County Council.  Holroyd Council began infilling adjacent to A'Becketts Creek in preparation for the area to become a sports reserve. The Council waste was sprayed and covered with soil, but unauthorised dumping continued at this time, causing odour, fly and mosquito nuisance for nearby residents.
1963	A local rugby league team expressed interest in establishing a licensed clubhouse on the site once full developed. This proposal did not proceed.
1964	Holroyd Sports Ground was created from several parcels of land that were resumed for open space and a County Road under the auspices of the Cumberland County Planning Scheme. The land was transferred to Holroyd Council under Deed of Trust by the Cumberland County Council via the State Planning Authority of NSW. The land was referred to as A'Becketts Creek Reserve.
1965	A'Becketts Creek was still being used as a tip by Council. Scavengers continually lit fires in the dumped rubbish to access scrap metal underneath.  Holroyd Council Alderman Harry Maley, impatient with slow progress of the reserve's conversion to a public recreation area, called on Council to invite the Local Government Minister to inspect the site to stimulate action on the project.

Year	Event
1968	Holroyd Council was calling on the Metropolitan Water, Sewerage and Drainage Board to prioritise its drainage works to address flooding and siltation problems at A'Becketts Creek. The Water Board relocated and straightened the creek bed which now forms the southern edge of the sports ground. The use of A'Becketts Creek Reserve as a tip ceased.
1970	Holroyd Council formed the Holroyd Sports Ground Committee comprising representatives from interested sporting bodies and local residents. Committee President Alderman Frank Smith was instrumental in progressing the project. Council employed a contractor to make the sportsground.
1971	Setbacks to the project included grass failing to grow on the new athletics field and hockey field due to a lack of natural water, a ponding issue in the centre of the new field from a minor defect in the watering system, and electricity and sewerage connections to the new amenities block were pending, and cracks appeared in the newly constructed building. A dispute ensued but the issues were resolved. Holroyd Little Athletics Club formed in late 1971.
1972	Embellishments to the sports ground (topsoil, signage, clearing of rubble and building materials, installation of lighting and rubbish bins, and tree planting) were completed. The Holroyd Athletic Field was opened by Holroyd Council as a Centenary project on 9 July. The opening was celebrated with a hockey match.
1977	The Water Board installed box culverts at Pitt Street to help mitigate local flooding.

### 2.2.3 Heritage

Holroyd Sports Ground is not a cultural heritage item and is not located within a heritage conservation area.

## 2.3 Land ownership, management and tenure

Figure 4 shows the land parcels included in this Plan of Management. Property details for these land parcels are listed in Table 3.

### 2.3.1 Land ownership

Figure 4 Land ownership at Holroyd Sports Ground



Table 4 Land ownership at Holroyd Sports Ground

Lot/DP	Owner	Area (m <sup>2</sup> )	Tenure
Lot 7 DP 3642	Cumberland Council	696.54m <sup>2</sup>	
Lot 8 DP 3642	Cumberland Council	696.54m <sup>2</sup>	
Lot 9 DP 3642	Cumberland Council	618.25m <sup>2</sup>	
Part Lot 75 DP 12514	Cumberland Council	1,169.79m <sup>2</sup>	
Part Lot 76 DP 12514	Cumberland Council	1,055.98m <sup>2</sup>	
Part Lot 77 DP 12514	Cumberland Council	954.81m <sup>2</sup>	
Part Lot 1 DP 176538	Cumberland Council	1,277.29m <sup>2</sup>	
Lot 2 DP 540809	Cumberland Council	4,082.57m <sup>2</sup>	



Lot/DP	Owner	Area (m <sup>2</sup> )	Tenure
Lot 10 DP 566269	Cumberland Council	181.14m <sup>2</sup>	
Lot 11 DP 612799	Cumberland Council	196.48m <sup>2</sup>	
Lot 32 DP 620034	Cumberland Council	766.89m <sup>2</sup>	
Lot 11 DP 773184	Department of Transport (former Roads and Maritime Services)	11,102.16m <sup>2</sup>	
Lot 12 DP 773184	Cumberland Council	17,013.13m <sup>2</sup>	Licence to 180 Degrees Outdoor Pty Ltd for advertising sign
Lot 14 DP 773184	Department of Transport (former Roads and Maritime Services)	548.10m <sup>2</sup>	
Lot 15 DP 773184	Department of Transport (former Roads and Maritime Services)	400.99m <sup>2</sup>	
Lot 11 DP 808585	Cumberland Council	2,930.73m <sup>2</sup>	Concrete canal
Lot 12 DP 808585	Minister for Planning and Industry (former Environment and Planning)	13,965.94m <sup>2</sup>	
Lot 2 DP 876390	Cumberland Council	360.70m <sup>2</sup>	
Lot 3 DP 876390	Cumberland Council	341.77m <sup>2</sup>	
Lot 1 DP 1062068	Cumberland Council	260.92m <sup>2</sup>	
Lot 1 DP 1140214	Cumberland Council	1,680.76m <sup>2</sup>	
Part Lot 21 DP 1151375	Fullers Mobile Cranes Pty Ltd	2472.00m <sup>2</sup>	easement to Cumberland Council

The concrete canal of A'Becketts Creek is owned by Cumberland Council, however the ownership of the natural creek section is not identified.

### 2.3.2 Management

Holroyd Sports Ground is managed by Cumberland Council and the Holroyd Sports Ground Local Committee. The overall and day-to-day management of the Sportsground is the responsibility of Cumberland Council. The Committee works in conjunction with Cumberland Council and major user groups in an advisory role to ensure the effective use of the sportsground resources. These groups and their respective responsibilities are summarised below.

#### Cumberland Council

Council is responsible for:

- ❑ development and management of Holroyd Sports Ground.
- ❑ on-going preventative and remedial maintenance of Holroyd Sports Ground assets.
- ❑ allocation of resources (financial, human and physical) for effective development and maintenance of the sportsground
- ❑ maintenance of sporting recreation facilities, and landscape works.
- ❑ liaison with authorities that have responsibilities relevant to development and management of infrastructure and services associated with sportsgrounds, such as Department of Transport and Sydney Water.

Council is also responsible for review of this Plan of Management when necessary to enable changing circumstances and community needs to be considered and incorporated.

#### Holroyd Sports Ground Local Committee

The Holroyd Sports Ground Local Committee aims to represent the views of groups which use Holroyd Sports Ground. The structure and responsibilities of Council Committees are detailed in the *Cumberland Local Parks and Facilities Committee Constitution* (the Constitution).

The Holroyd Sports Ground Local Committee includes representatives from the following organisations:

- ❑ Holroyd Little Athletics Club
- ❑ Merrylands Wolves Rugby Union Club Inc.

Under the Constitution, the Committee's functions are to:

- ☐ assist Council to maximise and optimise the use of grounds
- ☐ work with Council to provide a framework to assist managing casual hire and school use
- ☐ work in consultation with Council in the production of management plans including input into statutory Plans of Management, Landscape Masterplans and plans for facility development
- ☐ identify opportunities for improvements to local parks and facilities, and advise accordingly
- ☐ in consultation with Council, may facilitate 'in-kind' works to improve parks and facilities, with final approval from Council
- ☐ in consultation with Council, undertake minor maintenance and facility enhancement
- ☐ report damage of facilities to Council promptly for insurance purposes
- ☐ in consultation with Council, undertake both passive and active surveillance of the use and security of parks and facilities.

### 2.3.3 Use agreements

Use agreements in place at Holroyd Sports Ground are:

**Table 5 Use agreements at Holroyd Sports Ground**

Agreement	Organisation	Activity	Land area	Time of use
Seasonal agreement	Holroyd Little Athletics Club	Athletics	Athletics track and field facilities	Friday nights and weekday evenings in summer
Seasonal agreement	Merrylands Wolves Rugby Union Club	Rugby union	Field 1	Weekday evenings and weekend days in winter
Licence	180 Degrees Outdoor Pty Ltd	Pole sign	Part Lot 12 DP 773184	24 hours

Agreement	Organisation	Activity	Land area	Time of use
Informal agreement	RevolutionX	Personal Training/Group Fitness	Varied	Sparingly, annually
Informal agreement	Masjid Al Mustfa Mosque	Car parking	Carpark	Friday mornings

### 2.3.4 Key stakeholders

Several organisations have a responsibility and/or an interest in Holroyd Sports Ground as set out below.

**Table 6 Key stakeholders in Holroyd Sports Ground**

Stakeholder	Responsibility / interest in Holroyd Sports Ground
Cumberland Council	Land owner Management Bookings Maintenance Funding
Department of Transport	Land owner
Minister for Planning and Industry	Land owner
Holroyd Little Athletics Club	Key sporting users
Merrylands Wolves Rugby Union Club	Seasonal use agreement
Masjid Al Mustafa	Use of carpark on Friday mornings (7am-12pm)
Local businesses, workers, residents	Neighbours Users

## 2.4 Physical description

### 2.4.1 Climate

The long-term temperature and rainfall averages for Parramatta North, the closest meteorological station to Holroyd Sports Ground, shows:

- a mean annual maximum temperature of 23.3°C, peaking at 28.5°C in January.

- mean annual minimum temperature of 12.2°C, with mean lowest temperatures below 10°C from May to September.
- mean annual rainfall of 972 mm with highest rainfall occurring between January and March.

### 2.4.2 Geology, topography and soils

Holroyd Sports Ground is fairly flat, and drains gently to A'Becketts Creek. The bank between the sports ground and the creek is steep and eroded in places.

Holroyd Sports Ground is situated on a former waste disposal site which has been filled, but not capped or remediated. Council considers all risks associated with its former use as a waste disposal site are considered within a Risk Management Assessment for any works undertaken at Holroyd Sports Ground.

An investigation of several lots within the study area on the southern side of A'Becketts Creek located materials containing asbestos (CH2M HILL, 2008) which have been remediated.

The Holroyd Local Environmental Plan 2013 identifies that Holroyd Sports Ground has moderate salinity potential and Class 4 and 5 acid sulfate soils.



*Slope between the sportsground and creek*

*Erosion between sportsground and creek bank*



### 2.4.3 Hydrology and drainage

A'Becketts Creek is located at the bottom of a floodway, flowing north-east from the site, eventually draining into Duck Creek, Duck River and ultimately the Parramatta River.

The creek has natural and semi-natural banks lined by rocks and gabion baskets in the section from Walpole Street north to the point at which a section of the creek adjacent to the Sportsground is concrete-lined and choked with weeds, designed with the capacity to carry flood flows. The channel is rarely filled to capacity and generally carries low flows only.



*A'Becketts Creek at Walpole Street*



*Natural creekline of A'Becketts Creek*



*Natural creekline of A'Becketts Creek*

The creek is subject to flooding, during which rubbish is deposited at the causeway across the creek. Access is required to the creek area to allow clearing of rubbish and debris.



*Flood warning sign at causeway*



*Rubbish at causeway after rain*



*Channelised creek is subject to flooding*

Weeds in the channelised section of the creek near the water inlet impede water flow, but play a role in nutrient absorption and sediment control.



*Channelised section of A'Becketts Creek*



*Stormwater inlet*

Asbestos from the former James Hardie site has resulted in contamination of the creek in the natural area, and transfer of asbestos into the weed choked the channelised section of the creek.

Information on quality of the creek water is not available.

Council has a pumping permit for creek water.

Rain water is collected and stored in water tanks for irrigation of the sports ground.

Drainage of the sports fields is good according to users, but drainage of water is slow after rain in some areas of the sportsground. Recent levelling works by Westconnex could result in water retention and flooding and drainage issues in the centre of the eastern sports field.





#### 2.4.4 Flora and fauna

##### Vegetation

##### Sportsground

The majority of Holroyd Sports Ground is grass which is mown for sporting use.

There is no significant vegetation within Holroyd Sports Ground. Vegetation present consists of planted native and exotic trees and shrubs in landscaped areas.



*Northern carpark*



*Stand of vegetation near eastern boundary*



*Vegetation on the western boundary*

*Vegetation on the western boundary*



*Vegetation on the western boundary*

The embankment between the sportsground and A'Becketts Creek supports dense vegetation in sections, primarily consisting of weed species.







Vegetation adjacent to the natural creek line is shown below.



Aquatic weeds characterise the vegetation in the channelised section of the creek.

There is no significant wildlife habitat within the Sports Ground, however existing creek vegetation provides limited habitat to birds and invertebrates.





## Fauna

It is highly likely that introduced animals typical of urban environments inhabit Holroyd Sports Ground.

No known endangered fauna species are associated with the site. However Holroyd Gardens Park and the A'Becketts Creek corridor are identified as part of a key Parramatta population area in the Green and Golden Bell Frog (*Litoria aurea*) Parramatta Key Population Management Plan prepared by the NSW Department of Environment and Climate Change in 2008. This species is listed as 'endangered' under Schedule 1 of the NSW *Threatened Species Conservation Act 1995* and 'vulnerable' under Schedule 1 Part 2 of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*. The main objectives of the plan are to maintain current populations, enhance existing populations and to increase connectivity between sub-populations in accordance with the Green and Golden Bell Frog Recovery Plan 2005. Further information is available under <https://www.environment.nsw.gov.au/resources/nature/recoveryplanGreenGoldBellFrogDraft.pdf>

### 2.4.5 Access and circulation

Figure 5 shows the access points and circulation routes within Holroyd Sports Ground.

## Vehicle access

The M4 Motorway to the north and railway lines to the south restrict traffic flows to the sports ground from the northern and south-eastern residential areas.



**Figure 5 Access and circulation**



The sportsground has good vehicular access, with many people using the adjacent M4 Motorway and its Burnett Street exit to access the sports ground by vehicle, contributing to a district catchment of users.

The main road access to the sports ground is via Pitt and Walpole Streets. Vehicle entry to Holroyd Sports Ground is achieved via an entrance gate at the junction of Robert and Peel Streets at the south-west edge of the site.

Traffic flow volumes along Robert and Peel Streets are generally low and are primarily associated with the surrounding commercial and industrial areas.

The 34 space car park for Holroyd Sports Ground is generally adequate for the current needs of users, except for athletics competitions special events such as zone carnivals. The south-west corner is used for overflow parking for little athletics competition on Friday nights.

Council intends to investigate the use of the carpark at Holroyd Sports Ground for overflow parking for major events at Holroyd Gardens.



*Western carpark*

Authorised vehicle access is available between the creek and the southern carpark.



Emergency vehicle access to the main sports field is available in the south-west corner.

Gates prevent vehicle access when locked to the car park, to the athletics field, and to the creek.

A bollard prevents unauthorised vehicle access to the southern car park.

On site car parking is supplemented by on-street parking in the surrounding area due to limited surrounding residences and the need of local businesses for parking during the week which does not conflict with peak use times of the sportsground on Friday nights and weekends.



## Pedestrian and cycle access

Holroyd Sports Ground is a 1.3 kilometre walk from Harris Park railway station, and 1.4 kilometres from Merrylands railway station.

A shared path adjacent to the M4 Motorway and an underpass beneath the Motorway from Railway Street to the junction of Fox and Robert Streets facilitates pedestrian and cyclist access to the sportsground.



*Underpass under M4 Motorway*



*Shared path*

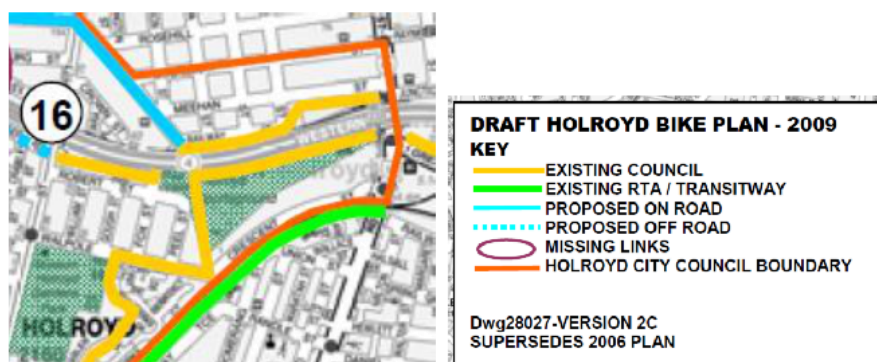


The pathway between the main field and Walpole Street is shown below.



The Draft Holroyd Bike Plan 2009 shows existing and proposed on- and off-road cycle links in the vicinity of Holroyd Sports Ground.

Figure 6 Existing and proposed cycle links



Wheelchair access to the sportsground is limited to the bitumen sealed driveway leading from the western entrance gate to the amenities block. A ramp facilitates access to the amenities building.

Motorway works restrict pedestrian access east of the main field.

## Public transport

The closest public transport access to Holroyd Sports Ground is provided by buses along Pitt Street. The closest bus stop is at the corner of Pitt and Robert Streets, a 10 minute walk from Holroyd Sports Ground.

Harris Park and Merrylands railway stations are approximately 17 minutes' walk from Holroyd Sports Ground respectively.

## 2.4.6 Visual

The sports ground is clearly visible to motorists on the M4 Motorway.

Landscaped areas and vegetation associated with A'Becketts Creek provide some separation and contrast with the surrounding industrial land uses.

The sportsground is partially protected from noise impacts of the M4 Motorway due to the lower elevation of the site.

Sight lines are clearly visible from all areas of the sportsground due to its level nature.







## 2.4.7 Condition of the land and built structures







The condition of Holroyd Sports Ground and its structures at the date of adoption of this Plan of Management is set out below.

### Built structures








Table 7 Condition of the land and built structures






Description	Condition	Images
<b>Amenities building</b>		
Constructed in 2013.	SPM Assets (2018) rate the building 3.6/5.	 
Brick clad amenities block 375m <sup>2</sup> in area, consisting of:	Over 95% of the components are in very good to good condition.	
- one hall 101m <sup>2</sup>	The poor to very poor components are primarily related to the building lighting.	 
- four toilet areas 49m <sup>2</sup>		
- two kitchens 46m <sup>2</sup>		 
- three store-rooms 82m <sup>2</sup>		
- two change rooms (home and visitors) 56m <sup>2</sup>		
- umpire's room	The amenities are largely in very good condition.	
Toilets open dawn to dusk	Surrounding areas are well maintained and tidy.	
Colourbond roof	Facilities are accessible by people with disabilities.	

Description	Condition	Images
<p><b>Two playing fields</b></p> <p>Former landfill.</p> <p>Field 1 – grass athletics track, line marked for athletics in summer. Rugby union field in winter.</p> <p>Field 2 – rugby union field. Track and field events in summer.</p>	<p>Divots in grass, settling</p>	
<p><b>Scoreboard</b></p> <p>Wooden scoreboard for manual scoring</p>	<p>Adequate</p>	
<p><b>Long jump / triple jump pits</b></p> <p>Four sandpits for jumping events with synthetic runups and marker boards</p>	<p>Very good</p>	
<p><b>Throwing cages and shot put circles</b></p> <p>Concrete throwing circles,</p>	<p>Very good to poor condition</p>	



Description	Condition	Images
metal rings and metal fences		  
<b>Finish line stand</b> Metal stand for timekeeping officials	Good	
<b>Fencing</b> Perimeter of athletics track/field to prevent balls exiting the playing field and vehicles entering the playing field	New – very good condition	 



Description	Condition	Images
		
<b>Floodlighting</b> Pole-mounted 2000W metal halide lighting of the central sports area to enable night use	All lights operational	
<b>Car parking</b> Main carpark: asphalt surface with two spaces for people with disabilities and 32 parking spaces. Secondary carpark: unmarked asphalt surface	Very good        Poor	 
<b>Water tanks</b> Two water tanks in the carpark. One water tank on field 2.	Very good	 
<b>Bin building</b> Secure building to store bins	Very good	

Description	Condition	Images
<p><b>Shared paths</b></p> <p>Concrete paths marked for walking and cycling</p>	Very good to good	
<p><b>Advertising sign</b></p> <p>Two-sided advertising sign mounted on pole</p> <p>The current advertising signage is proposed to be changed to a digital sign</p>	Very good	 
<p><b>Scrum machine</b></p> <p>Metal machine for rugby scrum training</p>	Good	
<p><b>A'Becketts Creek canal</b></p> <p>Brick wall covered with graffiti on southern side, brick wall with new metal</p>	Poor	



Description	Condition	Images
fencing on northern side		
<b>Drainage structures</b>		
Concrete inlets	Adequate	
Gabion baskets	Good	
Culvert pipes	Poor	
<b>Boundary fences</b>		
Fences adjoining surrounding land uses	New-very good condition to	
Colourbond and wood	poor condition	

## Turf

A turf assessment report carried out by Nuturf concluded " A mostly healthy surface was observed, the field had good levels with only minor undulations present. Soil Samples show a good looking soil with turf roots at a good depth of 12cms." The turf condition received a total score of 71%.



October 2018



October 2018



*June 2018*

*October 2018*

## 2.5 Uses and activities

### 2.5.1 Organised active recreation

Holroyd Sports Ground is one of Cumberland Council's more significant sportsgrounds, providing active recreational facilities to regional users. Open for use both during the day and at night, Holroyd Sports Ground is used by organised sporting groups. Major uses of Holroyd Sports Ground as at the date of adoption of this Plan of Management are for athletics and rugby union.

Council's Sportsground Allocation Procedure guides seasonal use of Council's sportsgrounds, using a definition of winter and summer seasons.

Holroyd Little Athletics Club uses Holroyd Sports Ground from early September to the end of March for training on Monday, Tuesday, Wednesday and Thursday evenings; weekly competition on Friday evenings; and occasional zone and other carnivals on weekends. 230 registered competitors aged from under 7 to under 17 years competed in club activities in both the 2017-18 and 2018-19 summer seasons.

Use of Holroyd Sports Ground in the winter season is by schools for school athletics carnivals, and for rugby union. 20 school athletics carnivals were held between May and September 2018.



*School athletics carnival, June 2018*

Merrylands Wolves Rugby Union Club with 45-50 registered players in 2018 use the Sportsground for training on Wednesday and Thursday evenings, and for competition on Saturday afternoons/evenings.

RevolutionX Performance Centre in Crescent Street, Holroyd uses the sportsground for bootcamp outdoor group fitness training.

A referees group uses the hall.

The far eastern section of the Sportsground is not used for organised sport due to poor pedestrian and vehicle access and visibility.

### 2.5.2 Informal recreational activities

Holroyd Sports Ground is used by individuals or informal groups for play and relaxation.

Cyclists use the cycle path to the north and west of the site.



A parents' walking group supported by the Heart Foundation meets at Holroyd Sports Ground on Saturday mornings.

The shared path is used for informal walking and cycling.

Picnic benches facilitate passive recreational activities at the sports ground.

### 2.5.3 Other uses

Masjid Al Mustafa (Merrylands Mosque) uses the carpark for overflow parking on Friday mornings.

## 2.6 Maintenance

The main maintenance responsibilities of Cumberland Council, contractors and user groups associated with the Sports Ground are:

### 2.6.1 Cumberland Council and contractors

- ☐ Undertaking regular maintenance works by park maintenance crews at Holroyd Sports Ground
- ☐ Tractor mowing the playing surface once per week in summer, and once per fortnight or longer depending on growth during winter. Maintenance crews are on a fortnightly run for the summer seasons, which drops off during the winter period when more effort is put in to gardens/mulching etc.
- ☐ Irrigation 2 days during winter and 3 to 4 days during summer (weather dependent). Irrigation repairs are carried out as needed.



- ☐ Cleaning the public toilets
- ☐ Collecting garbage
- ☐ Servicing the water tanks
- ☐ Servicing air conditioning
- ☐ Testing fire equipment every 6 months
- ☐ Applying a pre-emergent pest application during spring renovations. Any further post applications are applied as needed.
- ☐ Initial line marking for athletics and rugby union
- ☐ Removing graffiti as required.
- ☐ General maintenance and repairs to buildings, plumbing, locks, lights, fences etc. is carried out as required.

### 2.6.2 User groups

- ☐ Minor maintenance, including subsequent line-marking
- ☐ Informing Council of any maintenance and repair requirements
- ☐ Holding regular meetings.

## 2.7 Income

The major source of revenue for Holroyd Sports Ground is from rental of the advertising sign, which is spent on upgrading the sportsground. Other sources of funding are rate revenue, and field hire fees. Developer contributions also provide a source of potential funds for improvements to sportsgrounds in Cumberland LGA.

Income from field bookings for the 2018 calendar year was \$2,552. The Masjid Al Mustfa Mosque pays \$175 for week for parking on Friday mornings.

Fees charged are listed in the document '*Detailed Schedule of Fees and Charges*' in Cumberland Council's annual Operational Plan.



## 3 BASIS FOR MANAGEMENT

### 3.1 Introduction

This section describes the wider legislative and policy framework which applies to Holroyd Sports Ground.

Full versions of the legislation referred to below are on-line at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au) and [www.austlii.edu.au](http://www.austlii.edu.au).

Cumberland Council website: [www.cumberland.nsw.gov.au](http://www.cumberland.nsw.gov.au).

### 3.2 Planning context

#### 3.2.1 Introduction

Table 8 outlines the state, regional and local planning context which influences the use, development and management of Holroyd Sports Ground.

**Table 8 Planning context of Holroyd Sports Ground**

	Land use planning	Open space/ recreation planning	Environmental planning	Community planning	Access planning
Common- wealth			Environmental Protection and Biodiversity Conservation Act 1999		Disability Discrimination Act 1992
NSW	Environmental Planning and Assessment Act 1979 SEPP 19: Bushland in Urban Areas Local Government Act 1993	Greener Places (Draft) 2017 Companion Animals Act 1998 and Regulation 2008	Biodiversity Conservation Act 2016 Contaminated Land Management Act 1997 Noxious Weeds Act 1993		Anti- Discrimination Act 1977

	Land use planning	Open space/ recreation planning	Environmental planning	Community planning	Access planning
	Dividing Fences Act 1991 Roads Act 1993 SEPP (Infrastructure) 2007		Pesticides Act 1999 Pesticides Regulation 2009		

Sydney     Directions for a  
Greater Sydney  
2017-2056

Regional	Revised Draft Central City District Plan Parramatta Road Corridor Urban Transformation: Planning and Design Guidelines 2016				
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Cumber- land LGA	Holroyd Local Environmental Plan 2013 Holroyd Development Control Plan – Part P 2013	Cumberland Open Space and Recreation Strategy 2018 (in prep.) Draft Holroyd Bike Plan 2009	Cumberland Community Strategic Plan 2017-2027; and Delivery Program, Operational Plan Holroyd Cultural Plan 2015 Cumberland Culture and Activation Plan (in prep.)	Cumberland Disability Inclusion Action Plan 2017-2021
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	Land use planning	Open space/ recreation planning	Environmental planning	Community planning	Access planning
				Cumberland Public Art Guidelines	
<p style="text-align: center;"><b>Holroyd Sports Ground Plan of Management</b></p>					

The legislation most affecting use and management of Holroyd Sports Ground is the *Local Government Act 1993*, and the *Environmental Planning and Assessment Act 1979*.

### 3.2.2 Local Government Act 1993

#### Classification

Most of Holroyd Sports Ground is owned or under the care, control and management by Cumberland Council. Land owned by Council is classified as community land under the *Local Government Act 1993*. Council owned land which is classified as 'community' land must be managed and kept for the purposes of the community. Community land must be managed according to the provisions of the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

Community land:

- ☐ must have a Plan of Management prepared for it, which sets out guidelines for use and management of the land. Until a Plan of Management is adopted, the nature and use of the land must not change.
- ☐ must be kept for the use of the general community, and must not be sold.
- ☐ cannot be leased or licensed for a period of more than 21 years, or for 30 years with consent from the Minister.

#### Categorisation

Community land must be categorised in accordance with the *Local Government Act 1993* as either Park, Sportsground, Area of Cultural Significance, Natural Area, or General Community Use. A category assigned to community land, using the guidelines

for categorisation in the *Local Government (General) Regulation 2005*, reflects Council's intentions for future management and use of the land.

Holroyd Sports Ground is categorised as Sportsground (sporting fields), Natural Area – Watercourse (A'Becketts Creek), and General Community Use (advertising sign) consistent with the guidelines for categorisation in Table 9 and shown in Figure 7.

**Figure 7 Categorisation of Holroyd Sports Ground**



**Table 9 Guidelines for categories of community land - Holroyd Sports Ground**

Category	Guidelines
Sportsground	If the land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games.
General Community Use	Land that may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public.
Natural Area	If the land, whether or not in an undisturbed state, possesses a significant geological feature, geomorphological feature, landform, representative system or other natural feature or attribute that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore under section 36(5) of the Act.

Category	Guidelines
Under Section 36(5) of the Act, Natural Areas are required to be further categorised as bushland, wetland, escarpment, watercourse or foreshore based on the dominant character of the natural area.	
Natural Area –	Land that is categorised as a natural area should be further categorised as
Watercourse	watercourse if the land includes: <ul style="list-style-type: none"> <li>(a) any stream of water, whether perennial or intermittent, flowing in a natural channel, or in a natural channel that has been artificially improved, or in an artificial channel that has changed the course of the stream of water, and any other stream of water into or from which the stream of water flows, and</li> <li>(b) associated riparian land or vegetation, including land that is protected land for the purposes of the <i>Rivers and Foreshores Improvement Act 1948</i> or State protected land identified in an order under section 7 of the <i>Native Vegetation Conservation Act 1997</i>.</li> </ul>

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4.2.2 Local Government (General Regulation) 2005

## Use agreements

Under the *Local Government Act 1993* a lease, licence, other estate or easement (use agreement) may be granted over all or part of community land.

Leases and licences are a way of formalising the use of community land. Leases and licences may be held by groups such as sporting clubs and schools, or by private/commercial organisations or people providing facilities and/or services for public use.

A lease will be typically required where exclusive use or control of all or part of Holroyd Sports Ground is desirable for effective management. A lease may also be required due to the scale of investment in facilities, the necessity for security measures, or where the relationship between a major user and facilities on community land justifies such security of tenure.

Licences allow multiple and non-exclusive use of an area. A licence may be required where intermittent or short-term use or control of all or part of the Holroyd Sports Ground is proposed. A number of licences for different users can apply to the same area at the same time, provided there is no conflict of interest.

The term "estate" is wide and includes many rights over land that can be granted. An estate is defined as an "interest, charge, right, title, claim, demand, lien and encumbrance, whether at law or in equity."



There are restrictions on the ability of Council to grant leases, licences and other estates over community land. Council may only grant a lease, licence or other estate if:

- ☐ the Plan of Management expressly authorises the lease.
- ☐ the purpose of the lease is consistent with the core objectives for the category of land.
- ☐ the lease is for a permitted purpose listed in the *Local Government Act 1993*.

In accordance with Section 46A of the *Local Government Act 1993* a Plan of Management for community land is to specify and authorise any purpose for which a lease, licence or other estate may be granted over community land during the life of a Plan of Management. Under Section 46 of the Act, Council may lease or licence community land for purposes consistent with the categorisation and zoning of the land.

The maximum period for leases and licences on community land allowable under the *Local Government Act 1993* is 30 years (with the consent of the Minister for a period over 21 years) for purposes consistent with the categorisation and core objectives of the particular area of community land.

Community land may only be leased or licensed for period of more than 5 years if public notice is given according to the requirements of Sections 47 and 47A of the *Local Government Act 1993*.

Refer to Section 3.5 for authorised leases, licences and other estates.

### 3.2.3 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EPA Act) establishes the statutory planning framework for environmental and land use planning in NSW through:

- ☐ State Environmental Planning Policies (SEPPs).
- ☐ Local Environmental Plans (LEPs). The Holroyd Local Environmental Plan 2013 applies to Holroyd Sports Ground.

The EPA Act requires that “environmental impacts” be considered in land use planning and decision making.

Parts 4 and 5 of the EPA Act also set out processes for approving development applications for structures and works on public and private land in the Cumberland local government area.

Clause 10 of State Environmental Planning Policy (SEPP) No. 64 – Advertising and Signage provides that, despite other environmental planning instruments, the display of an advertisement is prohibited on land which is zoned as open space. As the land on which the pole sign is situated is located within the RE1 Public Recreation zone, the SEPP prohibits advertisements on that land. However, Clause 16 of SEPP 64 permits the display of an advertisement on land in a transport corridor which is otherwise prohibited by another environmental planning instrument. The existing advertising structure benefits from existing use rights from development consent in the mid 1990s and continuing use since that time.

### 3.2.4 Cumberland Council plans

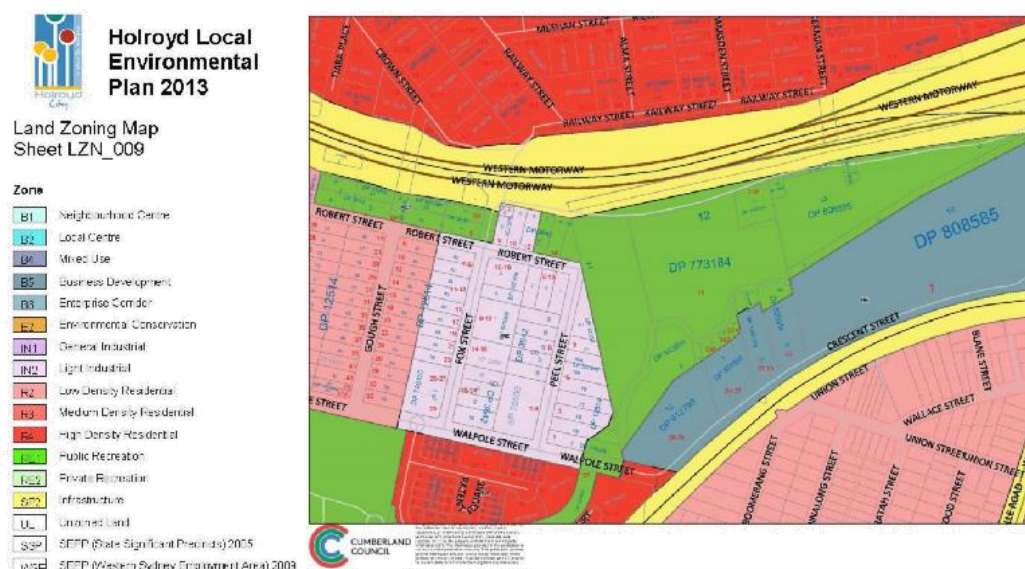
#### Holroyd Local Environmental Plan 2013

##### Current zoning

Land covered by this Plan of Management for Holroyd Sports Ground is zoned RE1 Public Recreation and IN2 Light Industrial in the Holroyd Local Environmental Plan 2013 as shown in Figure 8.

A'Becketts Creek is identified as Riparian Land in the LEP.

**Figure 8 Zoning of Holroyd Sports Ground**



### Proposed zoning

The Parramatta Road Urban Transformation Planning and Design Guidelines (UrbanGrowth NSW, 2016) shows the proposed rezoning of land in the vicinity of Holroyd Sports Ground that is intended to be included in Holroyd Sports Ground. The relevant land parcels are:

- No 2 Fox Street , Lot 101 DP 1132488
- No 8 Robert Street, Lot 100 DP 1132488
- No 10 Robert Street, Lot 5, Sec 5, DP 3642
- No 12 Robert Street, Lot 5, Sec 6 DP 3642
- No 20 Crescent Street, Lot 31, DP 620034

The proposed zoning changes are shown in Figure 9.

**Figure 9 Recommended land uses in Parramatta Road Corridor**



Source: Parramatta Road Corridor Planning and Design Guidelines (UrbanGrowth NSW, 2016)

## Sportsgrounds Plan of Management

The generic Plan of Management for Sportsgrounds in the former Holroyd City set out general objectives for sportsgrounds.

### 3.3 Direction for Holroyd Sports Ground

#### 3.3.1 Values and roles of Holroyd Sports Ground

Cumberland Council takes a values-based approach to the planning, use and management of Holroyd Sports Ground. Values may be described as what is important or special about a place.

The Cumberland and wider community value various aspects of Holroyd Sports Ground for different reasons. Using values as the basis of this Plan of Management ensures that this plan will be valid longer than one based on simply addressing issues. Issue-driven Plans of Management can quickly become out of date. Values change at a much slower pace than issues do. Values may remain constant for generations, therefore once values are documented, issues can easily be dealt with as they arise consistent with the values. New issues that arise over time very often cannot be dealt with easily unless a new Plan of Management is prepared.

By understanding the reasons why the community values Holroyd Sports Ground, the roles that the community expects the site to play in the future may be determined. This Plan of Management is based on protecting, conserving and enhancing the values of Holroyd Sports Ground. Desired outcomes, management strategies and actions which are consistent with these values have been developed. This Plan of Management aims to protect and enhance the values of Holroyd Sports Ground.

**Table 10 Values and roles of Holroyd Sports Ground**

Values	Explanation	Significance	Roles
Sport	Setting and facilities for field sports	District	Venue for organised local/ district/ regional field sport competitions and training
Open space	5.8 hectares of active open space in a built-up area Visual relief for motorists on M4 Motorway	District	Visual relief to surrounding development Overflow car parking Emergency assembly point

Recreation	Informal recreation and fitness opportunities	District	Venue for informal casual sporting and informal recreation activities
Environ-mental	Natural watercourse and riparian zone of A'Becketts Creek	Local	Drainage Flood detention Wildlife habitat and corridor

### 3.3.2 Management objectives

The objectives for Holroyd Sports Ground relate to Council's management goals in the Cumberland Community Strategic Plan, zoning under the Holroyd Local Environmental Plan 2013, and the core objectives for community land specified within the *Local Government Act 1993*.

### Cumberland Council vision, goals and outcomes

Council's vision for the future of Cumberland in its Community Strategic Plan 2017-27 is:

*Welcome, Belong, Succeed*

To achieve the vision, Council has set out strategic goals and outcomes relevant to Holroyd Sports Ground as follows:

**Table 11 Strategic goals and outcomes for Cumberland**

Strategic goal	Outcomes	Activities
1 A great place to live	We have positive connections within our local community through our local programs and services that reflect our unique identity	<ul style="list-style-type: none"> <li>- Events and activities reflect our diverse mix of cultural backgrounds</li> <li>- Services and events bring us together as one community</li> </ul>
	We have high quality community facilities and spaces that fit our purposes	<ul style="list-style-type: none"> <li>- Utilisation of Council facilities is maximised</li> <li>- Council encourages the provision of facilities in line with community expectations, population growth and intended uses</li> </ul>
	We live healthy and active lifestyles	<ul style="list-style-type: none"> <li>- Facilities and services promote healthy lifestyles</li> <li>- Sports and recreational activities are supported</li> </ul>



Strategic goal	Outcomes	Activities
2 A safe accessible community	We feel safe in all areas of Cumberland at all times	<ul style="list-style-type: none"> <li>- Safety is maintained in public areas through infrastructure and programs</li> <li>- Continued strengthening of partnerships with Council, local Police, RMS and community safety groups to address specific areas of safety</li> </ul>
	We have equal access to local services and facilities	<ul style="list-style-type: none"> <li>- Access issues are addressed and facilities and services enhanced to improve it</li> </ul>
3 A clean and green community	We have great natural and green spaces that suit a variety of uses	<ul style="list-style-type: none"> <li>- Green space is protected through policy there are strategies in place to ensure it is utilised in a sustainable way</li> <li>- Green and open spaces suit a variety of uses and help to mitigate heat island effects</li> </ul>
	We value the environment and have measures in place to protect it	<ul style="list-style-type: none"> <li>- Reduce pollutants in our waterways and natural areas</li> <li>- Council embraces and champions sustainable practices for itself and in the community</li> </ul>
	Our public places are clean and attractive	<ul style="list-style-type: none"> <li>- Infrastructure in public places is well maintained to ensure community pride in them</li> <li>- Waste collection practices reflect a commitment to having clean public spaces</li> </ul>

## Objectives for management of Holroyd Sports Ground

Holroyd Sports Ground will be managed according to the core objectives for community land set out below.

### Core objectives for community land

The core objectives for community land categorised as **Sportsground** are to:

- ☐ encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games.
- ☐ ensure that such activities are managed having regard to any adverse impact on nearby residences.

The core objectives for community land categorised as **Natural Area** are to:

- ☐ conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area.
- ☐ maintain the land, or that feature or habitat, in its natural state and setting.
- ☐ provide for the restoration and regeneration of the land.
- ☐ provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion.
- ☐ to assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*.

Further, core objectives for land categorised as Natural Area and sub-categorised as **Watercourse** are to:

- ☐ manage watercourses so as to protect the biodiversity and ecological values of the instream environment, particularly in relation to water quality and water flows
- ☐ manage watercourses so as to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability
- ☐ restore degraded watercourses
- ☐ promote community education, and community access to and use of the watercourse, without compromising the other core objectives of the category.

The core objectives for community land categorised as **General Community Use** are to:

- ☐ promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public in relation to:
  - public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public.
  - purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

### Zoning objectives

The Council-owned lots in the study area are zoned RE1 Public Recreation and IN2 Light Industrial. The objectives of each zone are as follows.

Objectives of RE1 Public Recreation zone are to:

- ☐ enable land to be used for public open space or recreational purposes.
- ☐ provide for a range of recreational settings and activities and compatible land uses.
- ☐ protect and enhance the natural environment for recreational purposes.

Objectives of the IN2 Light Industrial zone are to:

- ☐ provide a wide range of light industrial, warehouse and related land uses
- ☐ encourage employment opportunities and to support the viability of centres.
- ☐ minimise any adverse effect of industry on other land uses.
- ☐ enable other land uses that provide facilities or services to meet the day to day needs of workers in the area
- ☐ support and protect industrial land for industrial use.

### **Generic Plan of Management for Sportsgrounds**

Holroyd Sports Ground will be managed consistent with the Management Policy and Future Directions/Strategy set out in the Holroyd Plan of Management for Sportsgrounds (Holroyd Council, 2000).

**Table 12 Management strategies for sportsgrounds**

Issue	Strategy
Grounds – number and configuration	Provide a network of sportsgrounds with a wide range of sporting opportunities. Improve the function of existing grounds.
Maintenance	Maintain sportsgrounds and facilities to a high standard within budgetary constraints.
Risk management	Provide a safe environment at sports grounds.
Funding	Initiate a system of cost recovery in order to improve the quality of sportsgrounds.
Facilities – community and ancillary	Improve existing facilities at sportsgrounds. Identify and prioritise current and projected needs. Protect sportsgrounds from overdevelopment and incompatible community use. Gauge community opinion regarding community/exclusive use of buildings.

Issue	Strategy
Allocation of grounds	Better manage and control use of sportsgrounds.
Signage	Have clear, consistent signage at sports grounds. Inform the public of the location of sports grounds and permitted uses.
Linkages, open space corridors, linear recreation areas	Improve linkages to sports grounds and increase recreational opportunities.
Access and parking	Improve access and parking arrangements at sports grounds. Restrict vehicular access. Reduce impact of parking on neighbours.
Dog/animal exercise areas	Address issues concerning unleashed dogs adjacent to a sensitive riparian area and playing fields.
Recreational usage	Increase community awareness of recreation and sporting opportunities in Cumberland.
Environment/landscape	Enhance the amenity and function of sports groups with landscape improvements. Minimise the impact of sports grounds on the environment.
Neighbourhood amenity	Minimise negative impacts to neighbouring residents.
Leases and licences	Establish a consistent leasing policy for sports grounds and other reserves.

### 3.3.3 Vision for Holroyd Sports Ground

Consistent with Council's objectives and the values and desired roles of Holroyd Sports Ground, the vision for it is:

***Holroyd Sports Ground will be a high quality district sportsground for summer  
and winter field sports and complementary active  
and informal recreation activities,  
adjoined by the rehabilitated A'Becketts Creek.***

The vision for Holroyd Sports Ground is reflected in the Action Plan in Section 4.

Specific objectives for the management of Holroyd Sports Ground include:

- ☐ provision of community services, particularly sports facilities, which are accessible to all sections of the community and are appropriate to community needs.
- ☐ operation of the sports ground in a manner that has a minimum impact on adjoining land users.
- ☐ provision of a safe and healthy environment that meets reasonable community expectations.
- ☐ ongoing maintenance and replacement of existing Council assets as required and as funding becomes available.
- ☐ maintenance of a visually attractive and pollution free environment.
- ☐ management, development and conservation of natural resources.

## 3.4 Permitted uses and developments

### 3.4.1 Introduction

It is not possible to forecast every activity or structure that may occur at Holroyd Sports Ground in the future. New activities, developments and structures may be proposed in response to a proposal for use of the land, or because funding or another opportunity becomes available, or to address a need or management issue that may not be evident when preparing this Plan of Management.

Section 36 of the *Local Government Act 1993* states that a Plan of Management must expressly authorise any proposed or potential developments on community land. Such authorisation in a Plan of Management gives 'in principle' support for certain activities to proceed to the development assessment stage. However, this Plan does not in itself imply or grant consent for these activities. Any specific works will require further investigation, and development approval if required.

Activities on community land can be controlled through signage under Section 632 of the *Local Government Act 1993*.

### 3.4.2 Future use and development of the land

#### Legislative requirements

Permissible uses and developments at Holroyd Sports Ground must be in accordance with relevant legislation, particularly:



- ❑ zoning under the Holroyd Local Environmental Plan 2013.
- ❑ guidelines for and core objectives of the relevant categories of community land under the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.
- ❑ uses for which leases, licences and other estates may be granted on community land under the *Local Government Act 1993*.
- ❑ Commonwealth legislation.

## Zoning

All proposed uses, development and building works in this Plan of Management need to be permissible under the applicable zoning in the Holroyd Local Environmental Plan 2013, and assessed if required through a Development and Building Application process consistent with the *Environment Planning and Assessment Act 1979*.

Works permitted under the RE1 Public Recreation and IN2 Light Industrial zones are listed in Table 13.

**Table 13 Permissible uses and developments of Public Recreation and Light Industrial zones**

Item	RE1 Public Recreation	IN2 Light Industrial
2	Permissible without development consent	Environmental protection works Nil
3	Permissible with development consent	Centre-based child care facilities Community facilities Environmental facilities Information and educational facilities Kiosks Recreation areas Recreation facilities (indoor) Recreation facilities (major) Recreation facilities (outdoor) Respite day care centres Roads Signage Water recreation structures
		Depots Food and drink premises Garden centres Hardware and building supplies Industrial training facilities Kiosks Landscaping material supplies Light industries Neighbourhood shops Places of public worship Plant nurseries Roads Timber yards Warehouse or distribution centres

Item	RE1 Public Recreation	IN2 Light Industrial
		Any other development not specified in item 2 or 4, which may include Recreation areas, Recreation facilities (indoor), Recreation facilities (outdoor)
4	Prohibited	Any other development Including Recreation facilities (major)

### Categorisation of community land

According to the *Local Government Act 1993*, uses and structures on land classified as community land must be consistent with the guidelines for each relevant category and the core objectives of the relevant category. The guidelines and core objectives for the Sportsground, General Community Use and Natural Area-Watercourse categories which apply to Holroyd Sports Ground were outlined above.

All activities which are consistent with the guidelines for categorisation as Sportsground, Natural Area-Watercourse and General Community Use which meet the core objectives of those categorisations, are expressly authorised by this Plan.

### Commonwealth legislation

Under the *Telecommunications Act 1997 (C'th)*, 'low impact' installations are permissible without Council approval.

### 3.4.3 Preferred future uses

Holroyd Sports Ground is generally intended to be used for athletics, rugby union and other field sports, informal recreation, social/community activities, and other compatible activities. Developments and structures are limited to those which support the desired activities, consistent with the Landscape Masterplan (Figure 10).

Any use or development that would further encroach on the open space of the site should be minimised, unless it can be shown that the proposed use or development is a more efficient use of the space, has a community benefit, and is consistent with the objectives of this Plan of Management.

Permitted uses and developments must support and enhance the other values of the site ie. open space, sport, recreation, and the natural environment.

### **Authorised uses and developments**

This Plan of Management authorises the following uses and developments at Holroyd Sports Ground, including but not limited to those listed in Table 14.

### **3.4.5 Impacts on local residents and businesses**

Uses and activities permitted at Holroyd Sports Ground must consider the impacts on local residents, businesses, workers and adjoining land uses in terms of noise, lighting, traffic and parking.

**Table 14 Authorised uses and developments at Holroyd Sports Ground**

Uses / activities	Developments / structures
Advertising	Advertising structures, including digital
Art, including painting, sculpture	Art work – temporary and permanent
Barbecues	Bicycle related storage facilities including bicycle racks
Bush fire hazard reduction	Bins and other waste receptacles
Bush regeneration and rehabilitation	Bridges (walking, cycling, access for people with disabilities)
Ceremonies	Children's play equipment
Children's play	Community facilities
Cultural events	Community gardens
Cycling	Drainage works: only where complementary to the natural drainage patterns on the land, and where essential to protect tracks, roads, services, or other facilities on the land.
Delivering a public address or speech	Educational facilities
Dog exercise (on-leash at all times with waste picked up and disposed of)	Environmental facilities
Earthworks	Fencing
Easements to private property: temporary or permanent access across the site where appropriate	Food preparation and related facilities
	Flagpoles or smart poles

and in compliance with the requirements of the <i>Local Government Act 1993</i> and other relevant legislation and policy.	Information boards and other facilities
Education (environmental and the like)	Irrigation and drainage structures and systems
Environmental protection works	Landscaping, including landscape structures or features
Environmental management and monitoring	Lighting for sport
Filming, subject to Council approval	Lighting: where essential for public safety and the protection of assets while not affecting nocturnal animal habitat. Consider solar lighting options to improve sustainability and reduce energy costs.
Filling, levelling or draining of land	Picnic tables and barbecues
Flora, fauna and archaeological surveys	Recreation areas
Interpretation	Recreation facilities (outdoor)
Maintenance and emergency vehicle access	Refreshment kiosks (but not restaurants)
Nature study including birdwatching	Roads
Overflow car parking for special events on Lot 1 DP 176538, and Lots 75, 76, 77 DP 12514	Seating
Pest control (invertebrate and vertebrate)	Shelters and shade structures
Photography	Signage – directional, interpretive, regulatory
Picnics	Toilets or rest rooms
Running / jogging	Vehicle access and parking (emergency and authorised vehicles only)
Walking	Viewing area / platform
	Walking tracks and paths, boardwalks, ramps, stairways, gates
	Water storage tanks
	Work sheds or storage required in connection with maintenance of the land

### 3.4.6 Other considerations

Criteria for assessing proposals for new activities and/or developments at Holroyd Sports Ground should also address:

- ☐ the objectives of this Plan of Management (Section 1)

- ❑ Council plans and policies (Section 3)
- ❑ the future roles of the site (Section 3)
- ❑ objectives for the site (Section 3).

### 3.4.7 Buildings and structures

#### Express authorisation

This Plan of Management expressly authorises development of new buildings and structures, and redevelopment/refurbishment buildings and structures, which support the desired uses of Holroyd Sports Ground for sport.

Such buildings and structures will be consistent with:

- ❑ those listed in Table 14
- ❑ the Landscape Masterplan (Figure 10)
- ❑ physical constraints of flood risk, and acid sulfate soils.

#### Design considerations

##### Access

Access to new facilities on the site and any refurbishment of those structures will be provided according to Australian Standard 1428 (Parts 1 – 4) Design for Access and Mobility.

Access and seating for people with disabilities should comply with the Disability Discrimination Act and the Building Code of Australia.

Access pathways will be constructed at grade as close to 1:20 as possible. Pedestrian paths will be a minimum 1.8 metres wide to allow two motorised wheelchairs to pass safely.

##### Building envelopes

Building envelopes should align with the Holroyd Development Control Plan 2013.

##### Landscaping

Landscaping will be consistent with the Holroyd Development Control Plan 2013.



### Structures

Building envelopes should be consistent with the Holroyd Development Control Plan 2013.

Design, materials used and construction of proposed structures would be consistent with the Holroyd Development Control Plan.

### Sustainable development

All facilities and infrastructure (new and renewed), and maintenance of the site will integrate sustainability in terms of energy use, life cycle costs, source material impacts, and Water Sensitive Urban Design (WSUD).

All new buildings and/or refurbishments of the site will be low-scale and of architecture and built form appropriate to the western Sydney climate.

### Development approval

Proposed development and building works at Holroyd Sports Ground which are consistent with this Plan of Management (excluding activities permitted without development consent) would be subject to development and building applications in accordance with the *Environmental Planning and Assessment Act 1979* and the Holroyd Local Environmental Plan 2013. This Plan of Management would form an important part of the required development and building applications and approvals for the proposed activities and works.

Approvals for development works at Holroyd Sports Ground will be granted where endorsed by Council and the wider community, and when necessary approvals from other organisations have been obtained.

### 3.4.8 Restricted and prohibited activities

Activities that are prohibited or restricted at Holroyd Sports Ground include, but are not limited to, the following activities identified on on-site signage:

- ☐ breaking or leaving any bottle, glass, syringe or other objects likely to endanger the safety of any person
- ☐ camping or staying overnight
- ☐ consumption of alcoholic liquor
- ☐ depositing rubbish

- ☐ discharging of rifles or firearms
- ☐ flying of model aeroplanes
- ☐ any game or activity likely to damage property, injure, endanger or cause nuisance to any other person
- ☐ helicopter landings, except in emergencies
- ☐ interfering with or damaging any Council building, equipment, furniture, landscaping, tree, plant or flora
- ☐ leaving of dogs faeces (removal and proper disposal is required)
- ☐ lighting of fires, except in Council constructed fireplaces or portable barbecues
- ☐ practising of golf or archery
- ☐ taking of horses, greyhounds and unleashed dogs
- ☐ taking of motor vehicles or motorbikes, except in constructed carparks and driveways.

### 3.4.9 Scale and intensity of use and development

In accordance with the *Local Government Act 1993* a Plan of Management must detail the scale and intensity of proposed uses and developments.

The scale and intensity of future uses and development at Holroyd Sports Ground is dependent on:

- ☐ the nature of the approved future uses and developments.
- ☐ the Landscape Masterplan for Holroyd Sports Ground (Figure 10).
- ☐ the carrying capacity of Holroyd Sports Ground for sporting activities
- ☐ approved development applications.

The scale and intensity of future uses and developments at Holroyd Sports Ground is constrained by:

- ☐ its location in a riparian corridor buffer.
- ☐ flooding and acid sulfate soils.
- ☐ impact on adjoining residents and land uses.

The benchmarks for the scale and intensity of future uses and developments permissible at Holroyd Sports Ground will be physical disturbance and damage to the site.

Any proposal to use buildings, structures and spaces at Holroyd Sports Ground will be considered on merit and balanced against physical constraints and the amenity of adjoining residents, workers and land uses.

Any further intensification or variation to development to that shown on the Landscape Master Plan in Figure 10 would be subject to a development application.

Any works undertaken at Holroyd Sports Ground shall be undertaken to minimise disturbance to the site. Such measures include:

- ☐ using materials which are visually sympathetic to the natural environment.
- ☐ incorporating pollution control measures into drainage systems to minimise debris, nutrients and other chemicals entering waterways.
- ☐ using and retaining on-site resources wherever possible.
- ☐ leaving acid sulfate soils undisturbed wherever possible.
- ☐ disposing of waste material off site and in a manner not affecting the natural vegetation or that encourages the spread of weeds.
- ☐ restoring areas following works to the maximum extent.
- ☐ encouraging service and utility suppliers to comply with the guidelines of this Plan, and to undertake community engagement where essential services are required.

The physical impacts of activities and uses should be regularly monitored. Review of permissible activities and developments will occur if site monitoring shows any deterioration from the present condition of Holroyd Sports Ground resulting from those activities or developments.

## Activities

Activities at Holroyd Sports Ground which may attract high numbers of people include field and other sport training and competition, school sport competitions, commercial activities such as personal fitness training, and one-off community events and performances. Applications for such activities will be assessed on a case-by-case basis. The scale and intensity of such activities will be managed by Council's booking process and by conditions of use.

## Traffic and parking

The impact of traffic and parking associated with organised sport or community events on local residents and businesses will be managed by preparing a Traffic and Parking Plan on a case-by-case basis.

## Planting

Species selected for planting at Holroyd Sports Ground will be native and endemic to the area where possible, and be appropriate for a highly modified and used active recreation area located within a riparian buffer zone.

Cumberland LGA Gateway planting of Hoop Pine (*Araucaria cunninghamii*) will be consistent with the existing established theme.

Planting will be undertaken on a site-specific basis as required.

### 3.4.10 Assessment and approval of permissible uses and developments

Cumberland Council must expressly authorise proposed developments on community land under the *Local Government Act 1993*. This authorisation in a Plan of Management gives 'in principle' support for certain activities and developments to proceed to development assessment under the *Environmental Planning and Assessment Act 1979*. However, this Plan does not in itself imply or grant consent for these activities or developments. Any proposed uses and developments which are consistent with this Plan are still subject to development consent processes which would be advertised widely for information and to invite comment. This Plan of Management would be an important supporting document for the required applications for the proposed works.

### 3.4.11 Approvals for activities on the land

Section 68, Part D, of the *Local Government Act 1993* requires approvals issued by Council for the following activities on community land:

- ☐ engage in a trade or business
- ☐ direct or procure a theatrical, musical or other entertainment for the public
- ☐ construct a temporary enclosure for the purpose of entertainment
- ☐ for fee or reward, play a musical instrument or sing

- ☐ set up, operate or use a loudspeaker or sound amplifying device
- ☐ deliver a public address or hold a religious service or public meeting.

Approval is also required from Cumberland Council for the following activities at Holroyd Sports Ground:

- ☐ advertising
- ☐ collecting money
- ☐ distributing handbills
- ☐ entertainment
- ☐ erecting temporary structures or awnings
- ☐ landing aircraft
- ☐ organised sport
- ☐ playing, training or practising of sport or other games
- ☐ public meetings
- ☐ trading
- ☐ using a facility for which approval is required
- ☐ using sound amplifying and lighting devices.

## 3.5 Leases, licences and other estates

### 3.5.1 Authorisation of current use agreements

Several use agreements (leases, licences or other estates) currently apply to Holroyd Sports Ground as listed in Table 4. These agreements are approved to the end of their current term without exercising of any options.

### 3.5.2 Authorisation of future leases, licences and other estates

Granting of leases, licences, other estates and easements for the use or occupation of Holroyd Sports Ground are permissible for uses consistent with:

- ☐ the uses listed in Sections 46 and 47 of the *Local Government Act 1993*.
- ☐ the guidelines and core objectives for the Sportsground, General Community Use and Natural Area-Watercourse categories of community land.



- zoning under the Holroyd Local Environmental Plan, and development consent if required.
- this Plan of Management.

Specific leases, licences and other estates are authorised at Holroyd Sports Ground as set out in Table 15.

**Table 15 Authorised leases, licences and other estates at Holroyd Sports Ground**

Proposed use	Land to which authorisation applies	Express authorisation of lease, licence or other estate for:
Sporting activities	Land categorised as Sportsground and General Community Use	Field sporting activities
Community activities	Land categorised as Sportsground and General Community Use	Community gatherings
Commercial uses	Land categorised as Sportsground and General Community Use	Small-scale commercial uses which support the use of Holroyd Sports Ground for sport, informal recreation, and social/community activities, such as personal fitness training, and mobile food/beverage vans.
Advertising	Land categorised as Sportsground and General Community Use	<p>Internal advertising, where it is supportive of the desired uses of the land and not visible from the exterior.</p> <p>Placing advertising material on the ground and buildings providing it is consistent with State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64).</p> <p>New signage would be subject to assessment under the provisions of SEPP 64, Holroyd Local Environment Plan 2013, and Holroyd Development Control Plan 2013.</p> <p>Proposed digital advertising</p>

## Other estates

This Plan of Management authorises Council to grant “an estate” over community land for the provision of public utilities and works associated with or ancillary to public utilities in accordance with the *Local Government Act 1993*.

## Easements

This Plan of Management expressly authorises the granting of easements over land at Holroyd Sports Ground to provide pipes, conduits or other connections under the ground surface. This is limited to easements which connect premises adjoining community land to an existing water, sewer, drainage or electricity facility of Council or another public utility provider that is situated on the land. Such easements must minimise impacts on the condition and use of Holroyd Sports Ground.

Granting of easements above or on the surface of community land is not within the authority of this Plan of Management. These easements include, but are not limited to, piping to a natural watercourse, piping from a facility on community land to a facility on private land, and private vehicular or pedestrian access.

## Short-term casual use and occupation

Licenses for short-term casual use or occupation of Holroyd Sports Ground may be granted in accordance with Clause 116 of the *Local Government (General) Regulation 2005*.

Authorisation is granted for short-term casual use or occupation Holroyd Sports Ground for the following uses and occupations, provided the use or occupation does not involve the erection of any permanent building or structure.

**Table 16 Authorised uses for short term casual use or occupation of Holroyd Sports Ground**

Proposed use	Land to which authorisation applies	Express authorisation of short term casual use or occupation for:
Sporting events	Land categorised as Sportsground, General Community Use	Seasonal sporting competitions and training. School sports carnivals
Social/ community events	Land categorised as Sportsground,	One-off or occasional community events such as markets, school fetes, Bike Week activities.

Proposed use	Land to which authorisation applies	Express authorisation of short term casual use or occupation for:
	General Community Use	One-off or occasional cultural, musical or entertainment events.
Other short-term uses of community land	Land categorised as Sportsground, General Community Use	<p>Short term/temporary uses set out in the <i>Local Government Act 1993</i> and the <i>Local Government (General) Regulation 2005</i> including:</p> <ul style="list-style-type: none"> <li>- playing of a musical instrument or singing for fee or reward</li> <li>- engaging in a trade or business</li> <li>- playing of a lawful game or sport</li> <li>- delivery of a public address</li> <li>- commercial photographic sessions</li> <li>- picnics and private celebrations such as weddings and family gatherings</li> <li>- filming sessions</li> <li>- markets and / or temporary stalls including food stalls.</li> <li>- corporate functions</li> <li>- other special events/ promotions provided they are on a scale appropriate to the use of a local sports court area and to the benefit and enjoyment of the local community.</li> <li>- emergency purposes, including training, when the need arises.</li> </ul>

All short-term casual uses and occupation would be subject to Council's standard conditions for hire, approval processes, and booking fees. A temporary licence would be issued by Council as part of the approval process prior to the site being used for these activities. Organisers of the activity are subject to conditions of hire.

Filming applications are assessed on a case by case basis.

Fees for short term, casual bookings will be in accordance with the fees and charges as published annually by Cumberland Council.

### Sub-leases

Where a lease arrangement has been entered into with Council for community land, sub-leasing of the land must be in accordance with the requirements of Section 47C of

the *Local Government Act 1993* ie. the purpose for which the land was to be used under the lease.

Under Clause 119 of the *Local Government (General) Regulation 2005*, community land leased by a sporting club may be sub-leased for refreshment kiosks, dances and private parties.

Leases and licences can be entered into by Council for public or private purposes, providing they are consistent with the major objectives of this Plan of Management.

### 3.5.3 Future leases and licences

The *Local Government Act 1993* requires that any lease, licence or other estate over community land is authorised by a Plan of Management. Leases, licences and other estates formalise the use of community land. Activities must be compatible with the zoning and categorisation of the land; and provide benefits, services, or facilities for users of the land. Terms and conditions of a lease, licence or other estate should reflect the interest of the Council, protect the public, and ensure proper management and maintenance.

Any future leases, licences or other estates of Holroyd Sports Ground are authorised by this Plan of Management, provided the proposed use is consistent with the permissible uses and structures listed in Section 4.6.

Leasing and licensing will be in accordance with Council's objectives and principles as outlined in its Community Strategic Plan. Depending on the nature of the proposed lease or licence, Council would develop specific objectives and requirements tailored to the proposed use.

Occupation of community land by leases, licences and other estates that apply to Holroyd Sports Ground are set out in Sections 46 and 47 of the *Local Government Act 1993*. In respect of community land in general and the categories assigned to Holroyd Sports Ground in particular, a lease, licence or other estate may only be granted over Holroyd Sports Ground for:

- ❑ a purpose expressly authorised in this Plan of Management.
- ❑ purposes which are consistent with the guidelines and core objectives for the Sportsground, General Community Use and Natural Area-Watercourse categories of the community land.

- ❑ activities appropriate to the current and future needs of the community in relation to a number of wide public purposes, including public recreation and physical and cultural development.
- ❑ for short-term casual purposes, including the playing of a musical instrument or singing for a fee or reward, engaging in a trade or business, delivering a public address, commercial photographic sessions, picnics and private celebrations such as weddings and family gatherings, and filming for cinema or television. However, the use or occupation of community land for these short-term casual purposes is permitted only if the activity does not involve erecting a permanent building or structure.
- ❑ for the purpose of providing underground pipes, conduits or other connections to connect premises adjoining the community land to a Council facility or other public utility provider located on the land.

#### 3.5.4 Lease and licence periods

The maximum period for leases and licences on community land allowable under the Local Government Act is 21 years, or 30 years if consent from the Minister is required (including any period for which the lease or licence could be renewed by the exercise of an option) for purposes consistent with the categorisation and core objectives of the particular area of community land. Community land may only be leased or licensed if public notice is given according to the requirements of the Local Government Act.

Under Section 47, Council may grant a lease, licence or other estate exceeding five years if it gives public notice of the proposal to the owner, the public and all stakeholders, and invites and considers public submissions. If an objection to the proposal is made, Council may not grant a lease, licence or other estate without consent of the Minister for Local Government.

For proposed leases, licences and other estates of five years or less, Council must publicly advertise the proposal in the same way as for leases, licences and other estates over 5 years. Final approval of the lease rests with Council, but the Minister for Local Government has the discretion to call in a proposed lease and determine the matter in place of Council. However, some short-term and other types of leases, licences and other estates, such as providing underground pipes and connections, are exempt from the need to advertise.



### 3.5.5 Commercial uses

Cumberland Council has no current plans for development of commercial facilities at Holroyd Sports Ground, nor is considering any applications by private or community organisations to develop commercial facilities at Holroyd Sports Ground.

Commercial activities at Holroyd Sports Ground may operate with Council approval if they:

- ☐ complement the cultural values of Holroyd Sports Ground.
- ☐ do not impact on other values.
- ☐ support the use of Holroyd Sports Ground for low-key activities, such as personal fitness training, guided walks, and mobile food/beverage vans at sporting and special events.
- ☐ support or complement other permissible activities and developments.
- ☐ do not unduly impact on other users or on local residents and businesses.
- ☐ pose no threat to public safety.

Proposals for commercial activities should be considered on their specific merits. Conditions should apply in each case to ensure the above requirements are met.

### 3.5.6 Short-term casual hire

All short-term casual hire of Holroyd Sports Ground will be in accordance with Section 24 and 25 of the *Local Government (General) Regulation 2005*. To be considered as casual hire, activities must not:

- ☐ involve the erection of any building or structure of a permanent nature.
- ☐ continue for more than three consecutive days.
- ☐ continue to recur for a period of more than 12 months in the case of uses occurring more than once. Each occurrence must be no more than 3 consecutive days, not including Saturday and Sunday.

Fees for short term, casual bookings will be in accordance with the fees and charges as published in Cumberland Council's current fees and charges schedule.

### 3.5.7 Emergency purposes

Holroyd Sports Ground is an emergency assembly point.

Community land may be used for emergency purposes, including training, if the need arises.



### 3.5.8 Leases and licences by tender

Section 46A of the Act requires that Plans of Management must specify purposes for which a lease, licence or other estate may be granted only by tender. A lease or licence for a term exceeding five years may be granted only by tender, unless it is granted to a non-profit organisation. However, Council may apply a tender process in respect to granting any particular lease, licence or estate.

Leases, licences and other estates for the purposes of commercial activities, advertising, and/or for a period of five years or more will be granted only after a tender process in accordance with the *Local Government Act 1993*.

### 3.5.9 Private purposes

Section 46 of the *Local Government Act 1993* generally prevents Councils from granting leases, licences or other estates over community land for private purposes. However, the Act does enable short-term casual licences to be issued by Councils for purposes prescribed by the Regulation. The purpose of the lease, licence or other estate must still be consistent with the core objectives for the relevant category of community land.

### 3.5.10 Exclusive occupation

Exclusive use of any area of community land is not desirable, as Holroyd Sports Ground should be available for use by anyone in the community. An exception is a use where the exclusion of the public is desirable for security and public safety.

The exclusive occupation or use of Holroyd Sports Ground is only permitted for the purposes of:

- ❑ a lease to which Sections 47 and 47A of the Act applies.

- ☐ a sub-lease or other title derived from the holder of such a lease, licence or other estate.

### 3.6 Acquisition and dedication of land

This Plan of Management applies to Holroyd Sports Ground within the boundary as shown in Figure 1. Additions to the boundaries of Holroyd Sports Ground may be possible through dedication of land or acquisition of suitable adjoining properties.

Dedication of adjoining land to add to Holroyd Sports Ground may be accepted if the land:

- ☐ supports the values and objectives outlined in this Plan.
- ☐ is at least in good condition.
- ☐ is accessible.

Ongoing maintenance requirements of land dedications must also be considered.

## 4 ACTION PLAN

### 4.1 Landscape Master Plan

The Landscape Master Plan for Holroyd Sports Ground is shown in Figure 10. It shows the location of the spatial works and actions in the following Action Plan which are proposed to be implemented to achieve the objectives for Holroyd Sports Ground.

Key proposed actions and changes to Holroyd Sports Ground include:

#### 4.1.1 Short term / high priority actions

- ☐ level the playing surface
- ☐ revegetate the natural creek section
- ☐ additional seating on the eastern side of the clubhouse
- ☐ new seating at the eastern end of the main field
- ☐ new internal shared paths
- ☐ new fitness equipment stations
- ☐ undertake revegetation of the riparian vegetation
- ☐ rejuvenate the concrete canal
- ☐ prepare a Development Application and enter into a new licence agreement for a new digital advertising sign.

#### 4.1.2 Long term / low priority actions

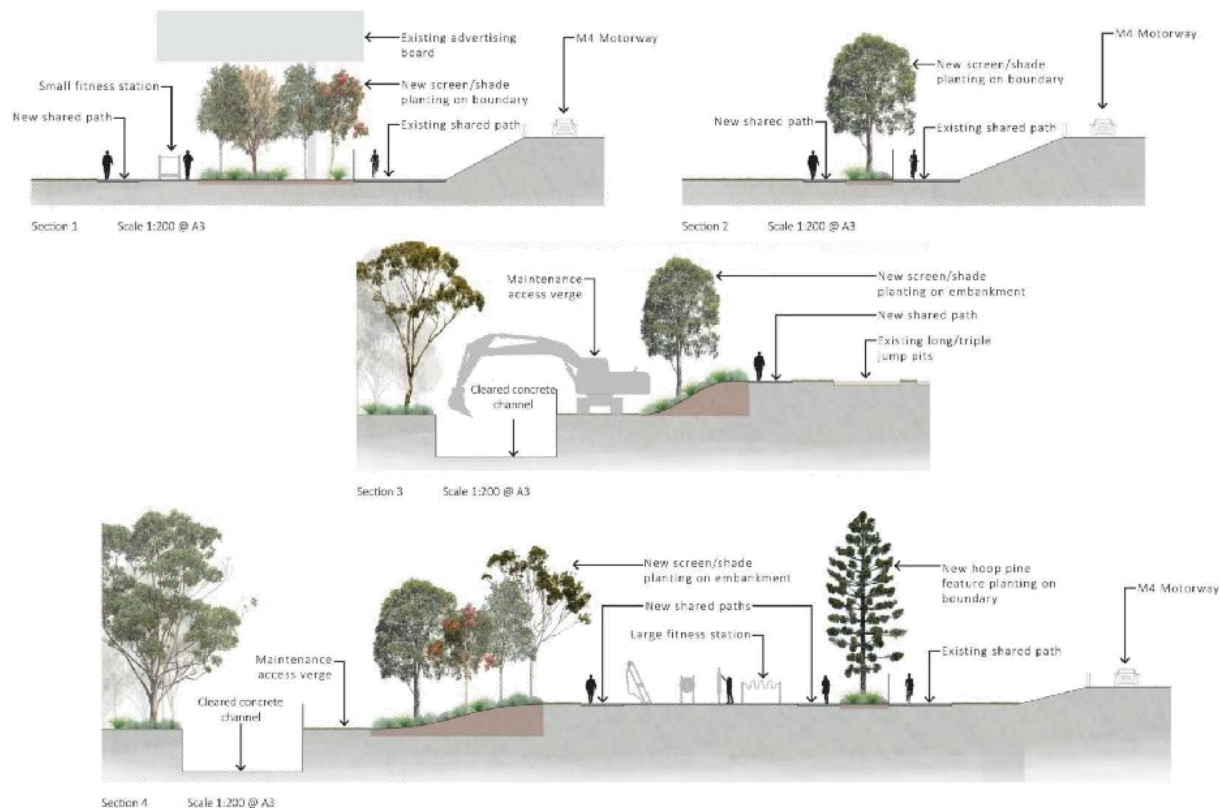
- ☐ extension to the clubhouse
- ☐ extension of the carpark west to provide additional parking spaces
- ☐ new scoreboard
- ☐ seating and shade at the eastern end of the sportsground.





**Figure 10 Holroyd Sports Ground Landscape Masterplan**





**Examples of Potential Fitness Station Sizes**

**Small Fitness Station**

- 40m<sup>2</sup> approx.
- 3 fitness equipment pieces
- 1-2 benches and/or
- drinking fountain/water bottle refill tap

**Large Fitness Station**

- 80m<sup>2</sup> approx.
- 6 fitness equipment pieces
- drinking fountain/water bottle refill tap
- adjacent seating & shade structures

**Examples of Potential Fitness Station Elements**

**Back**

- trains the back, shoulder and arm muscles for improved circulation

**Chest**

- trains the chest, shoulder and arm muscles

**Shoulder Wheel**

- Improves shoulder mobility

**Wave Bar**

- provides exercise for the wrist, elbow and shoulder joints and develops hand-eye coordination and concentration

**Step & Calf**

- improves balance and mobility in the legs

**Finger Stairs**

- improves finger dexterity, hand-eye coordination and concentration

**Bench Workout With Pedals**

- improves lower muscle strength and coordination skills


**Balance Beam**

- Improves all-round balance and mobility



Summer Layout (Track & Field)

- ① 400m grass Running Track
- ② 110m grass Running Track
- ③ Discus
- ④ Shotput
- ⑤ Long/Triple Jump
- ⑥ Javelin
- ⑦ High Jump

Scale 1:3000 @ A3 



Winter Layout (Rugby Union)

- ① Full size Rugby Field (110 x 70m)
- ② U8 & U9 Rugby Field (70 x 35m)
- ③ U6 & U7 Rugby Field (50 x 25m)

Scale 1:3000 @ A3 



## 4.2 Action Plan

### 4.2.1 Introduction

The *Local Government Act 1993* requires plans of management to:

- ☐ contain performance targets.
- ☐ specify the means of achieving objectives and performance targets.
- ☐ specify how achievement of the objectives and performance targets is to be assessed.

This section outlines the actions required to implement the management direction, resolve management issues implement the Landscape Masterplan for Holroyd Sports Ground, consistent with the community's values for Holroyd Sports Ground. The actions are displayed below in table form, and have been structured using the values of Holroyd Sports Ground that the actions would enhance and protect. Table headings are explained as follows:

**Table 17 Structure of action plan tables**

Heading	Explanation
Issue	An issue or need to be addressed.
Background	Explanation of the issue
Objectives / performance targets	Targets/strategies to achieve vision and objectives for Holroyd Sports Ground, consistent with defined roles. They reflect the value of Holroyd Sports Ground, and provides direction for the action.
No.	Actions numbered according to value, and management actions: S Sport and Open Space R Recreation E Environment M Management
Actions	Specific task or action required to address issues/needs, consistent with achieving the objectives/performance targets
Priority	Assigned according to the specific action's relative importance or urgency: Immediate Action to be completed as a matter of urgency High Short-term action to be completed Medium Mid-term action to be completed Low Long-term action to be completed



Heading	Explanation
	<p>Ongoing      A continuing responsibility</p> <p>Annually      Action to be undertaken on a yearly basis</p>
Responsibility	<p>Section within Council, or another organisation responsible for implementing the action.</p> <p>The Council Section or external organisation listed first in the Action Plans has the primary responsibility for implementing the action.</p> <p>Responsibilities within Council for implementing actions are:</p> <p>CD      Community Development</p> <p>EP      Environment and Planning</p> <p>FG      Finance and Governance</p> <p>PP      People and Performance</p> <p>WI      Works and Infrastructure</p>
Manner of assessing performance	How Council intends to measure and assess its performance in implementing and achieving the action over time.

*Note:* Cumberland Council undertakes detailed prioritisation of proposed improvements to all parks and sportsgrounds when allocating funds on an annual basis.

Any developments included in this Action Table require authorisation within this Plan of Management. Section 3 includes authorisation for future developments for Holroyd Sports Ground.

## 4.2.2 Sport and open space actions

**Table 18 Sport and open space actions**

Issue	Background	Objectives / performance targets	No.	Actions	Priority	Responsibility	Manner of assessing achievement
Ground works	Holroyd Little Athletics Centre reports that the athletics track and field events area is uneven with divots and undulations, resulting in injury to competitors.	Ensure quality and safe level grass surface for athletics.	S.1	Level/laser grade the athletics track and field area.	High Ongoing	WI	Level sports surface
Throwing event facilities	Throwing cages and circles range from very good to poor condition.	Ensure that throwing facilities are safe for throwing activities.	S.2	Upgrade or replace throwing cages and circles in poor condition.	High	WI	Throwing facilities are in good to very good condition.
Sports field drainage	The athletics field event area has poor drainage after rain.	Improve drainage of sports surfaces	S.3	Install sub-surface drainage and maintain overland flow gradients.	Medium	WI	Reduction in ponding of water after rain
Use by elite athletes	Athletes with personal coaches for elite training have been observed to occasionally use Holroyd Sports Ground. Such use has been identified by sportsground users as a potential source	Maintain the quality of the sportsground surface and its use by regular users, ensuring following of Council	S.4	Monitor and control use of Holroyd Sports Ground by elite athletes and their coaches.	Ongoing	WI	No reports of field damage caused by elite athletes

Issue	Background	Objectives / performance targets	No.	Actions	Priority	Respons-ibility	Manner of assessing achievement
	of conflict due to damage to the ground surface, lowering its quality and useability by regular users.	booking processes to allow improved usage management.					
Amenities	The amenities block was rebuilt in 2013 after being subjected to vandalism (arson).	Continue to provide facilities and amenities that reflect community needs through continual assessment, as funding becomes available.	S.5	Reconfigure/extend/upgrade the amenities building – storage, canteen, referees room, amenities	Medium	WI	Upgrade of amenities building complete
			S.6	Provide change facilities for women and girls	Medium	WI	Change facilities for women and girls provided
Club room	User Groups use the club room for document storage which limits the use of the space for club activities	Maximise use of shared space in the amenities building	S.7	Upgrade the club room.	Medium	WI	Upgrade of club room included in building upgrade
			S.8	Resolve the storage needs of user groups either on site or off site.	Medium	WI	Storage needs resolved to satisfaction of Council and user groups

Issue	Background	Objectives / performance targets	No.	Actions	Priority	Responsibility	Manner of assessing achievement
Public address system	The public address system is used by little athletics and schools. The current system is inadequate. Rugby reports the PA doesn't switch on properly, and an easier to use speaker system is needed.	Improve functionality of the venue	S.9	Test the PA system. Replace if necessary.	High	WI	Testing shows the public address system is functional
Seating	Seating was identified as a need in the 1997 Plan of Management. Covered seating has since been provided as part of the amenities building, however the need for further seating has been indicated.  Little athletics would like seating for spectators placed along the northern edge of the sportsground.	Provide additional spectator seating to accommodate spectator needs	S.10	Install seating on the northern boundary of the sportsground east of the clubhouse and east of the main field	High	WI	Additional seating provided
			S.11	Install seating at the eastern end of the sports ground.	Low	WI	Seating provided
Floodlighting	Sports field lighting is provided on 20 metre poles with 2000W metal halide lights, with four poles each on Fields 1 and 2.  The sports field lighting level is 100 lux.	Provide floodlighting for competition athletics and rugby training	S.12	Conduct field lighting audits and maintain to suitable levels.	Ongoing	WI	Satisfaction of sports users with lighting
			S.13	Replace existing 2000W metal halide fittings	High	WI	Light fittings replaced.

Issue	Background	Objectives / performance targets	No.	Actions	Priority	Responsibility	Manner of assessing achievement
				with 960W LED floodlights.			
			S.14	Install additional lights to better light fields, especially on Field 2.	High	WI	Additional lights installed.
Drinking water	Rugby union has requested an outdoor tap so visiting teams can fill water containers. A suggested location is near the ramp at the entrance to the building.	Provide drinking water for users of the sports ground	S.15	install multi-function drinking fountain/ water refill station (vandal keyed hose tap, bubbler and refill tap) in consultation with user groups and Holroyd Sports Ground Local Park Committee	High	WI	Installation of multi-function drinking fountain/ water refill station
Scoreboard	A manual scoreboard is located on the southern side of the main field. Rugby union has requested an electronic scoreboard that can be operated from the northern side of the field	Provide suitable scoring facilities	S.16	Liaise with the rugby club to obtain and install an electronic scoreboard	Low	Council Rugby club	Electronic scoreboard installed
Vehicle parking	Council maintains the public carpark located at Holroyd Sports Ground.	Ensure adequate parking is available at	S.17	Investigate use of the Holroyd Sports Ground	High	WI	Reduction in parking/traffic



Issue	Background	Objectives / performance targets	No.	Actions	Priority	Respons-ibility	Manner of assessing achievement
	Maintenance includes inspections and repairs to road pavement, line marking, signs and landscaping.	Holroyd Sports Ground.		car park for overflow parking during major events at Holroyd Gardens.			conflicts near Holroyd Gardens during major events.
	Provision of car parking spaces at Holroyd Sports Ground is currently adequate at most times, as there is little traffic on local streets due to the industrial nature of local landuses.	Provide additional parking spaces where required and as funding becomes available.	S.18	Extend the northern carpark to the west.	Low	WI	Increase in parking spaces in western carpark
	Additional spaces are available on Peel Street and other local streets. Car spaces have also been formalised to ensure user safety.	Ensure safe access to carparks through planning and design.	S.19	Ensure user safety by ensuring that carparks are regularly maintained	Ongoing	WI	Inspections of carparks
	Holroyd Little Athletics has requested extending the car park to allow more off street parking and to make it easier for parents to attend competition on Friday nights and to hold larger scale carnivals.		S.20	Monitor the impacts of carparking in local streets.	Ongoing	WI	No complaints about parking in adjoining streets
Accessibility	Universal access is available to the amenities building via paths and a ramp.	Ensure Holroyd Sports Grounds is accessible and equipped with	S.21	Ensure that extension of the amenities block and any further facilities	High	WI	Compliance with Australian Standard AS4128.

Issue	Background	Objectives / performance targets	No.	Actions	Priority	Respons-ibility	Manner of assessing achievement
	Two vehicle parking spaces for people with disabilities are available in the western carpark.	adequate facilities for people with a disability.		at Holroyd Sports Ground comply with AS4128.			
			S.22	Provide any additional allocated car spaces for people with disabilities in the extended car park consistent with Australian Standards.	High	WI	Number of parking spaces for people with disabilities complies with AS
Boundary fencing	Boundary fences are in very good to poor condition.	Ensure that boundary fences are safe and in good condition.	S.23	Replace the wooden fence on the south-western boundary.	Low	WI	Fence replaced
			S.24	Liaise with the adjoining property owner to replace the Colourbond fence on the western side of the carpark.	Low	WI	Fence replaced

#### 4.2.4 Recreation actions

**Table 19 Recreation actions**

Issue	Background	Objectives / performance targets	No.	Actions	Priority	Respons-ibility	Manner of assessing achievement
Pedestrian and cycle paths	As part of Council's cycleway network, a shared pedestrian/cycleway link has been constructed along the northern side of Holroyd Sports Ground. It provides a useful connection with surrounding residential and recreational areas. Additional opportunities for new and upgraded pedestrian footpaths have been identified, particularly in the eastern area of the sportsground and in the creek area.	Continue to maintain the cycleway adjoining Holroyd Sports Ground for the enjoyment of pedestrians and cyclists.  Provide a high level of pedestrian access to and within Holroyd Sports Ground.	R.1	Maintain existing shared paths.	Ongoing	WI	Inspection of shared paths
			R.2	Provide additional shared paths as shown on the Landscape Masterplan.	High	WI	Increase in shared pathways
Fitness facilities	Fitness facilities have been identified as a need in the Holroyd area and throughout Cumberland local government area. Seniors have also requested fitness facilities.	Provide additional active recreation opportunities	R.3	Install exercise equipment stations along the shared path as shown on the Landscape Masterplan	High	WI	Exercise equipment installed

Issue	Background	Objectives / performance targets	No.	Actions	Priority	Respons-ibility	Manner of assessing achievement
Dog exercise	<p>Holroyd Sports Ground is primarily used for active recreation. However, the use of sportsgrounds for the exercise of dogs and other domestic animals is also a popular activity at this facility as it is with other sportsgrounds throughout Cumberland LGA.</p> <p>Conflicts among sportsground users can arise from animal waste left on site, which can raise health and safety issues. Conflicts can also arise from limited control of animals by owners and commercial use of sportsgrounds by commercial dog-walkers without Council consent or payment for use.</p> <p>The <i>Companion Animals Act 1998</i> requires that any dog outside the owners' property must be under the effective control of a competent</p>	Minimise conflicts between users of Holroyd Sports Ground due to domestic animal presence.	R.4	Provide dog waste bins where on-leash dog exercise is most common, and away from active sports facilities	High	WI	Use of dog waste bins No dog waste on sports fields
			R.5	Replace regulatory signage regarding restrictions on dog exercise on the sports fields if required.	High	FG	Compliance with Council's requirements
			R.6	Enforce no dogs off leash at the sportsground, including penalties when owners do not control their dogs, especially near the sports facilities.	Ongoing	FG	No reports of conflicts between dogs and other sports ground users
			R.7	Monitor professional dog walkers' use of the sportsground and payment for such use.	Ongoing	FG	Compliance with Council's requirements

Issue	Background	Objectives / performance targets	No.	Actions	Priority	Respons-ibility	Manner of assessing achievement
	person by means of an adequate chain, cord or leash, unless in a specified off-leash area. Holroyd Sports Ground is not an off-leash area.						
Picnic and barbecue facilities	Provision of barbecues and picnic tables were proposed in the 1997 Plan of Management. Barbecue and picnic facilities are yet to be provided.	Provide complementary informal recreation opportunities at sporting facilities	R.8	Install picnic and barbecue facilities subject to user and community engagement	Low	WI	Picnic and barbecue facilities installed if desired
Children's play space	Provision of new play equipment was proposed in the 1997 Plan of Management. It was deemed appropriate to remove children's play equipment from the active recreation areas to ensure the safety of all users.	Provide complementary informal recreation opportunities at sporting facilities	R.9	Construct children's play space with user group/ committee support.	Low	WI, CD	Play space constructed if demonstrated support
Shaded seating	Except for the shaded seating area at the amenities building, there are no opportunities to sit in the shade at Holroyd Sports Ground.	Provide shaded seating for sports ground users	R.10	Install shade amenity and seating to the eastern corner of the sports ground	High	WI	Increase in shaded area



#### 4.2.5 Environmental actions

Table 20 Environmental actions

Issue	Background	Objectives / performance targets	No.	Actions	Priority	Responsibility	Manner of assessing achievement
Channel management	Cumberland Council is committed to managing all rivers, canals and drainage lines within its boundaries. A'Becketts Creek, adjacent to Holroyd Sports Ground, is part of the Duck River catchment. The concrete channel is owned by Cumberland Council.	Maintain the creek flow path in working order for the clear passage of flows during high rainfall events	E.1	Remove silt and debris in the channelised section of the creek.	High Ongoing	EP	Silt and debris removed
			E.2	Review the adequacy of the structure and maintain silt trap operations at the high flow side of the weir.	High Ongoing	EP	Monitor siltation at the high flow side of the weir
	Weeds have colonised the concrete channel, disrupting the flow of water but filtering sediment and nutrients.	Rejuvenate the concrete channel.	E.3	Retain aquatic plants in the channelised section of the creek, or replace them if appropriate.	Medium	EP	Aquatic plants in the concrete channel filter water and absorb nutrients
			E.4	Remove graffiti from the canal walls.	Ongoing	EP	Reduction in graffiti on the canal walls
			E.5	Screen plant the channel wall and retaining wall with appropriate species.	Medium	EP	Improvement in the visual quality of the concrete channel wall

Issue	Background	Objectives / performance targets	No.	Actions	Priority	Responsibility	Manner of assessing achievement
Riparian vegetation	Weeds such as Willow are the prevalent vegetation on the banks of the natural creek channel of A'Becketts Creek.	Facilitate authorised vehicle access to the creek to remove weeds	E.6	Improve authorised vehicle access to the creek.	High	WI	Access to the creek by authorised vehicles improved
		Reinstate a wildlife corridor along the creek.	E.7	Revegetate the creek banks using endemic plant species	High	EP, WI	Increase in endemic plant cover on creek banks
		Protect the creek from impacts of the surrounding land uses.	E.8	Reinstate endemic vegetation through the riparian corridor	High	EP, WI	Increase in endemic plant cover through the riparian corridor
Bank erosion	<p>Rehabilitation of the creek embankment along the southern edge of Holroyd Sports Ground has been ongoing since the adoption of the 1997 Plan of Management for Holroyd Sports Ground (EDAW, 1997).</p> <p>Erosion of the upper creek bank in the eastern section of the natural creek bank has occurred.</p>	Rehabilitate the creek banks to minimise erosion	E.9	Address erosion of the natural creek bank	Low	EP, WI	Observations and measurements of erosion of the creek banks

Issue	Background	Objectives / performance targets	No.	Actions	Priority	Responsibility	Manner of assessing achievement
Gross pollutants	The gross pollutant trap (GPT) at A'Becketts Creek is not working effectively. Gross pollutants are trapped at the causeway along the natural section of the creek.  Materials such as shopping trolleys are dumped in the creek.	Minimise entry of litter into A'Becketts Creek	E.10	Repair or replace the gross pollutant trap.	Medium	WI	Gross pollutant trap is functional
			E.11	Remove large objects and rubbish from the creek	Ongoing	EP, WI	Reduction in gross pollutants in A'Becketts Creek
Creek water quality	The visual quality of water in A'Becketts Creek is poor.	Improve the quality of water in A'Becketts Creek	E.12	Regularly test and monitor water quality in the creek	Ongoing	EP	Water testing results
Waste disposal at sports ground	Only two fixed waste bins on the patio area of the amenities building are provided. Additional bins in the bin cage are available to hirers.	Improve the provision of waste bins provided at Holroyd Sports Ground.	E.13	Increase the number of fixed general waste bins in high-traffic areas, particularly near the sporting fields and carpark.	High	WI	Increase in number of general waste bins

Issue	Background	Objectives / performance targets	No.	Actions	Priority	Respons-ibility	Manner of assessing achievement
Planting	<p>Planting since the adoption of the 1997 Plan of Management has been ongoing, with views to the south and west being considerably improved. Additional shade trees have been planted in the informal recreation areas and adjacent to the amenities block.</p> <p>Future planting should focus on areas to the southeast along the creek, north along the motorway, and at the eastern end of the sportsground.</p>	<p>Improve visual amenity for visitors to Holroyd Sports Ground and for users of the cycleway.</p> <p>Reduce the visual prominence of the adjacent M4 Motorway, surrounding industrial land uses and undesirable views.</p>	E.14	Plant vegetation as shown on the Landscape Masterplan using predominantly native species, supplemented with exotic species that are known to perform well in western Sydney and are able to provide shade for spectators during sporting events.	High	EP, WI	<p>Increase in canopy cover</p> <p>Planting to be consistent with Holroyd DCP Part A, 4.2-C14 and 5.0-C3 with nominated indigenous plant species.</p>
		Minimise noise from the motorway and surrounding land uses.	E.15	Plant Hoop Pine ( <i>Araucaria cunninghamii</i> ) as a gateway planting to Cumberland LGA.	Medium	EP, WI	<p>Hoop Pine planted</p> <p>Gateway planting established</p>
		Plant additional vegetation for landscaping and shade for spectators and informal users, but which allows visibility of the	E.16	Continue to provide additional planting along the sports ground boundaries.	Ongoing	EP, WI	Increase in canopy cover
			E.17	Ensure that shade trees are adequately	Ongoing	EP, WI	Increase in canopy cover

Issue	Background	Objectives / performance targets	No.	Actions	Priority	Respons- ibility	Manner of assessing achievement
		advertising sign from the M4 Motorway		maintained and replaced where necessary.			
		Minimise seeds of exotic and weed species entering A'Becketts Creek.					

#### 4.2.6 Management actions

**Table 21 Management actions**

Issue	Background	Objectives / performance targets	No.	Actions	Priority	Respons- ibility	Manner of assessing achievement
Maintenance	Maintenance is a major part of Council's ongoing works, and many of the management strategies in this plan include maintenance requirements. Maintenance costs can be considerable.	Ensure safety of users and functionality of existing facilities and amenities	M.1	Undertake routine and ongoing preventative and remedial maintenance and repairs of assets associated with Holroyd Sports Ground.	Ongoing	WI	Levels of service achieved



Issue	Background	Objectives / performance targets	No.	Actions	Priority	Respons-ibility	Manner of assessing achievement
		Balance maintenance needs with maintenance costs.					
Permissible developments	Holroyd Local Environment Plan 2013 lists the developments and activities in areas zoned RE1 Public Recreation that are not permissible (i.e. are prohibited), require development consent or are permissible with development consent.	Ensure that Holroyd Sports Ground is managed in a manner that is consistent with active recreational use by the community, by approving only those developments and activities that reflect this.	M.2	Ensure that developments and activities in Holroyd Sports Ground comply with Holroyd Local Environment Plan 2013 and Development Control Plans.	Ongoing	EP, WI	Use and development complies with environmental planning legislation
Advertising and promotion	Sportsground users, including sporting teams and local businesses, may seek to display advertising in sportsgrounds. Whilst this can be useful publicity for these groups, signs can affect the visual amenity of the sportsground, potentially compromising community values.	Prevent impacts on visual amenity and community values arising from proposed advertising and signage	M.3	Prepare a Development Application and enter into a new licence agreement (5 years) to the existing licensee for the current M4 advertising sign to be changed to a digital sign, subject to the conditions of the lease.	High	EP, WI	DA assessed Digital advertising sign installed subject to approval

Issue	Background	Objectives / performance targets	No.	Actions	Priority	Respons-ibility	Manner of assessing achievement
	<p>Cumberland Council's Advertising and Signage Controls (Part F of the Holroyd Development Control Plan 2013) aims to protect these values.</p> <p>All advertising applications are assessed by Council to ensure that content of advertisements will not compromise community values.</p> <p>There is currently an 18 metre high commercial sign erected on the northern side of the sportsground, for which a lease has been entered into.</p> <p>All advertising is to be consistent with SEPP 64 – <i>Advertising and signage</i>.</p>		M.4	Consider applications for leases to advertise using existing structures at Holroyd Sports Ground.	Ongoing	EP, WI	<p>Community feedback</p> <p>Consistent with values of the sportsground</p> <p>Consistent with SEPP 64 – Advertising and Signage and Part F of Holroyd Development Control Plan 2013.</p>
			M.5	Approve temporary signs for user groups e.g. upcoming events, registration days	Ongoing	EP, WI	Approval of appropriate temporary signs
			M.6	Remove advertising signs when no longer relevant.	Ongoing	WI	<p>Community satisfaction</p> <p>Compliance with SEPP 64</p>
Use agreements	Council may approve leases and licences on community land which are in accordance with the	Ensure the legal compliance of leases and	M.7	In considering lease and licence applications, only approve those that do	Ongoing	EP, WI	All leases and licences must comply with the

Issue	Background	Objectives / performance targets	No.	Actions	Priority	Respons-ibility	Manner of assessing achievement
	requirements of the <i>Local Government Act 1993</i> . Leases and licences must be expressly authorised in plans of management, but existing leases and licences in breach of this Act may continue until the end of their term.	licences with the <i>Local Government Act 1993</i> . Ensure that leases and licences are undertaken in the best interests of the community.		not compromise the active sporting or recreational use of Holroyd Sports Ground.			requirements of the <i>Local Government Act 1993</i> .
	Usage of the advertising sign is subject to a lease.	Ensure all leases and licences are consistent with core objectives for the relevant category of community land.	M.8	Liaise with Masjīd Al Mustfa Mosque to resolve their parking needs through a temporary agreement in the short term and land use planning in the longer term	High	EP	Mosque parking resolved to the satisfaction of Council and the mosque
	Masjīd Al Mustfa Mosque has an informal agreement with Cumberland Council to use part of the Holroyd Sports Ground for car parking. The mosque would like to formalise a use agreement with Council.						
Mobile telephone towers	Telephone companies occasionally request to installation of mobile phone towers on public land such as parks. Under the Telecommunications Act 1997 (C'th),	Ensure the values of the community are not compromised by the installation of mobile	M.9	Assess any applications for mobile phone towers in terms of legislation and Council codes.	Ongoing	EP, WI	Any mobile phone towers meet all legislative requirements

Issue	Background	Objectives / performance targets	No.	Actions	Priority	Respons-ibility	Manner of assessing achievement
	only 'low impact' installations are permissible without council approval.	phone facilities at Holroyd Sports Ground.					
	Council's Telecommunications Code (Interim) states that these facilities should not be located "where...it will be at a focal point that will visually dominate a streetscape, parkland or an otherwise visually sensitive landscape feature as viewed within or from any residential building".	Ensure the interests of the community are considered when assessing applications for mobile phone towers to be located on or near Holroyd Sports Ground.					
	A mobile telephone tower is located at the rear of 8 Robert Street.						
Public art	Public art can enhance the identity and visual amenity of public land, and even increase visitation and community interest.	Encourage applications to council for the installation of art in public places.	M.10	Grant applications for public art when local community values, the active recreational functioning and visual amenity of Holroyd Sports Ground will not be compromised.	Low	CD	Public art installed if desired and appropriate
		Ensure that community values are maintained when assessing applications to exhibit					

Issue	Background	Objectives / performance targets	No.	Actions	Priority	Respons-ibility	Manner of assessing achievement
		art in public places at Holroyd Sports Ground, and focus on active recreational function.					
User safety	<p>Safety in sportsgrounds and in all public places is a priority for Cumberland Council. Council's ongoing maintenance program ensures that this priority is implemented at Holroyd Sports Ground as an important community facility.</p> <p>In terms of public liability, Cumberland Council is compliant with the <i>Local Government Act 1993</i>, which states "council must make arrangements for its adequate insurance against public liability and professional liability."</p>	Ensure that adequate shade is provided at Holroyd Sports Ground for user protection through planting and maintenance of existing trees.	M.11	Provide additional covered seating and shade trees where necessary, along the southern perimeter, for visitor protection and comfort.	High	WI	Additional covered seating and shade trees provided.
		Ensure the safety of all sportsground users through maintenance.	M.12	Maintain the fence along the concrete channel to Sydney Water standard	Medium	WI	Fence meets Sydney Water standard
		Ensure that safety issues raised by users of Holroyd Sports Ground are addressed as a priority.	M.13	Respond promptly to reports of safety issues through inspection and investigation, and where necessary, the provision	Ongoing	WI	No reports of safety breaches or accidents



Issue	Background	Objectives / performance targets	No.	Actions	Priority	Respons-ibility	Manner of assessing achievement
Safety and security of assets	Cumberland Council aims to ensure that public amenities in all sportsgrounds are sufficiently secure to minimise loss of property through theft and vandalism.	Ensure sportsground maintenance includes activities required to fulfil requirements of council's liability insurance.		of upgraded or improved facilities.			
			M.14	Rectify, repair or replace equipment or areas that represent a safety hazard will be on a priority basis.	Ongoing	WI	No reports of safety breaches or accidents
		Increase surveillance systems at Holroyd Sports Ground, focusing on security of assets.	M.15	Upgrade surveillance systems to include a back-to-base alarm system and a back-to-base fire alarm system.	High	WI	Functional alarm systems
		Maintain lighting level to the minimum Australian Standard.	M.16	Continue to secure all flammable materials, such as 240 litre bins, at the appropriate location away from the amenities block.	Ongoing	WI	Rubbish bins are stored securely
		Minimise fire risks and flammable materials located at the sportsground.	M.17	Undertake regular maintenance of fences,	Ongoing	WI	Maintenance according to service level agreements

Issue	Background	Objectives / performance targets	No.	Actions	Priority	Respons-ibility	Manner of assessing achievement
				locks, lighting and surveillance systems.			
			M.18	Respond promptly to reports of failed equipment and replace as funds become available.	Ongoing	WI	All equipment is functional
Fencing	The chain-wire mesh fencing at the site has been replaced along the Motorway boundary and the creek.	Increase the security of Holroyd Sports Ground and associated facilities and amenities by upgrading fences within and bordering the grounds to minimise loss of property through theft and vandalism, and the entrance of unauthorised vehicles.	M.19	Upgrade fencing and gates at the Peel Street entrance to the carpark.	Low	WI	Fencing and gates in very good condition
	The previous Park Committee requested black finish channel fencing.		M.20	Upgrade fences between the main field and adjacent cycleway.	Low	WI	Fencing in very good condition
	Additional fencing may also provide increased security and user safety for the sportsground and associated facilities.		M.21	Regularly inspect and maintain all fences within and bordering the sportsgrounds.	Ongoing	WI	Fences in very good condition
			M.22	Continue to upgrade fences where necessary, particularly along the creek boundary.	Ongoing	WI	Fences in very good condition



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## 5 IMPLEMENTATION

### 5.1 Governance

Holroyd Sports Ground will continue to be managed by Cumberland Council in terms of facility management, use, improvements and maintenance, and supported by the Holroyd Sports Ground Local Committee. Their respective responsibilities are set out in Section 2.3.2.

Council will have oversight of any use agreements for activities on the site.

Day-to-day management of any leased and licensed areas will be the responsibility of any lease or licence holder according to the terms of the lease or licence agreement.

Allocation of staff for maintenance and capital works will be monitored on an ongoing basis to ensure that standards are maintained. If new facilities or extensive works are required then the need for additional staff will be assessed.

Development of new facilities will be carried out only by contractors engaged by Council. Council may also engage contractors to assist with the maintenance of Holroyd Sports Ground.

### 5.2 Implementation

Once Cumberland Council adopts this Plan of Management it is Council's responsibility to implement this Plan of Management.

Council must only allow uses or developments that are in accordance with the Plan of Management.

Implementation of actions in this Plan of Management in Section 4.2 according to their assigned priorities will be monitored through the preparation of annual performance reports, budgets, and capital works programs.

It should be recognised however that commencement and completion of the recommended actions in this Plan of Management depends on available Council



resources, funding, and Council's priorities in its annual works program. The priority of each action should be reassessed annually to determine if the stated priority is still relevant.

Implementation of this Plan of Management will be monitored at least annually with the preparation of capital works programs and budgets. Performance standards and works programs for administration, maintenance and upgrading works are revised each year to meet allocated budgets and works priorities determined in Council's Resourcing Plan.

Funding for management of Holroyd Sports Ground will be sought from a range of government, Council, corporate and community sources on an ongoing basis.

## 5.3 Funding

### 5.3.1 Introduction

Funding is integral to implementing this Plan of Management. There are several approaches that Cumberland Council can take in funding the implementation of this Plan of Management.

### 5.3.2 Council funding

#### General

The implementation of this Plan of Management is achieved through its linkage with Council's Community Strategic Plan, operational budgets, and capital works programs.

Funding arrangements for Holroyd Sports Ground will address recurrent costs of management and maintenance, together with capital costs for new facilities or upgrading works. Council currently funds management and maintenance costs through its annual budget allocation, and uses capital funds and developer contribution funding for capital and non-recurrent works.

Staging of works will be necessary so Council can fulfil its overall funding obligations across the Cumberland local government area within the resources available to Council. Actions listed in the Action Plans have been prioritised, which will assist in preparing forward open space work programs and annual budgets. This Plan will therefore provide direction for future works at Holroyd Sports Ground.

## Developer contributions

Council currently enters into planning agreements, or levies contributions or works in kind from developers towards the cost of upgrading facilities, including open space, to meet the needs of new development.

## Fees and charges

Council's charges for hiring sportsgrounds and other uses of Council assets are set out in the annual Pricing Policy, Fees and Charges.

## Partnerships

There is an opportunity to develop further partnerships with user groups, residents, local community groups and interested people in relation to improvements and ongoing management, such as through a Rivercare program and by sponsorship from local businesses.

### 5.3.3 Grants

Commonwealth and State government grants are available to assist with capital works and improvement project costs at Holroyd Sports Ground. Council considers submitting applications for grants as funding opportunities from various agencies arise.

## 5.4 Reporting

Council will report on the progress of implementing this Plan of Management in the following ways:

- ☐ within Council's Integrated Planning and Reporting framework.
- ☐ including achieved and proposed actions in its quarterly and annual reports.
- ☐ Income and expenditure listed in annual financial audit.
- ☐ when preparing capital works and maintenance budgets.
- ☐ providing information flyers and newsletters to adjoining residents and other stakeholders.

## 5.5 Review of this Plan of Management

Review of this Plan of Management will be undertaken in line with the establishment of facilities, taking into account community expectations and the strategic planning objectives of Cumberland Council.

In accordance with the Local Government Act, updates to the Plan of Management will include consultation with the community, with their comments incorporated into the review process.

The Action Plan tables should be reviewed and revised within the framework of Council's budget, Capital Works Program, annual report, changing priorities, and availability of funding.

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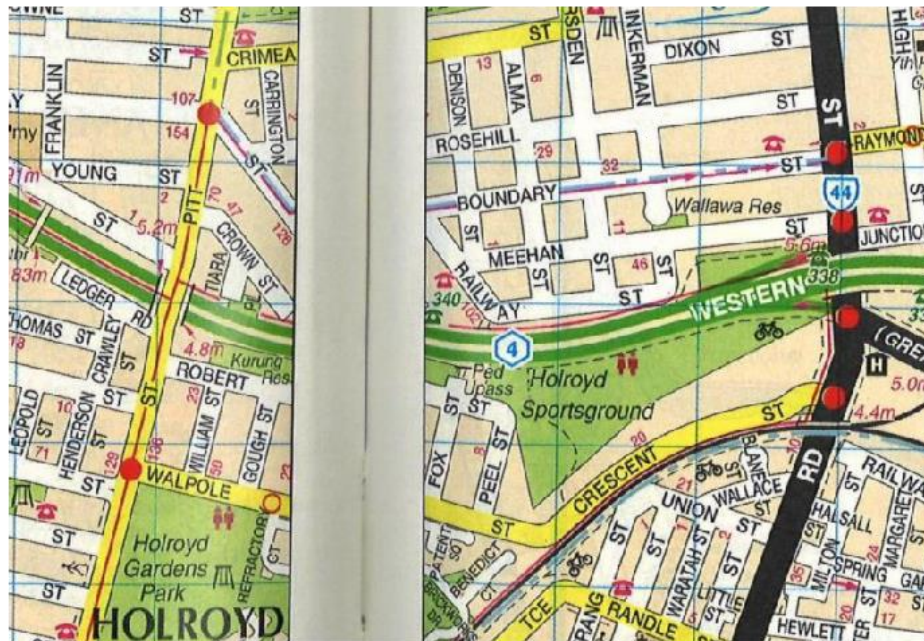
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# A HISTORY OF HOLROYD SPORTS GROUND

## Holroyd Sports Ground

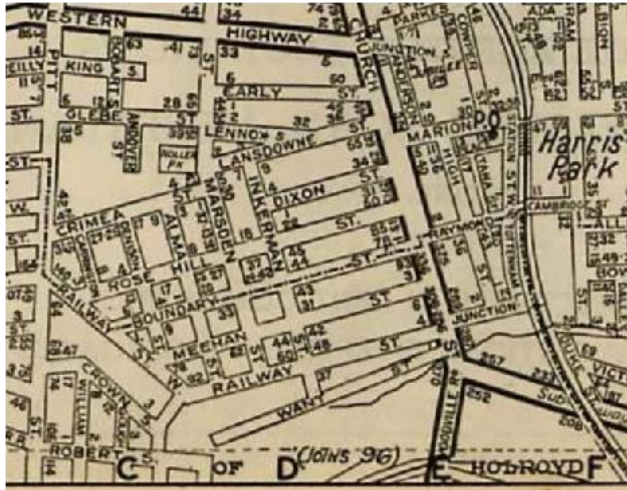
Peel St, Holroyd



Source: Gregory's Street Directory, 73<sup>rd</sup> Edition, 2009, Maps 307-308

The Holroyd Sports Ground at Peel St, Holroyd was a Holroyd Council Centenary project which opened in 1972. Initially called the Holroyd Athletic Field it covers more than five hectares and was situated on reclaimed land on the north side of A'Becketts Creek, near Crescent and Robert Streets in what was then Granville but has since become the suburb of Holroyd. Railway St originally bordered the northern edge of the Sports Ground and Want St (see map below) formerly ran off Church St almost parallel with Railway St but no longer exists as the M4 Motorway now cuts through this land.

*A Becketts Creek area showing Want St on the north side of the Creek, running off Church and Inkerman Streets near Railway St where the M4 Motorway and Holroyd Sports Ground are now located:*



*Source: Premier Street Directory, n.d. (circa 1930s), Map 95*

The Holroyd Sports Ground's major users are the Holroyd Little Athletics Club which was formed in late 1971 and the Merrylands Rugby Union Club but it is also used by other sporting groups and local schools for their annual sports carnivals and weekly sports programmes. Its facilities include lighting for night games and training, a spectator grandstand, change rooms and public toilets.

The Sports Ground was created from several parcels of land that were resumed for Open Space and a County road under the auspices of the Cumberland County Planning Scheme. These included two lots in Gough St and three lots in Robert St plus Lot H of R.J. Want's Estate.





Source: *Wants Estate, 1909; State Library of NSW Subdivision Maps, Reel 107, Map23*

The land was transferred to Holroyd Council under Deed of Trust by the Cumberland County Council (via the State Planning Authority of NSW) in 1964 after four years of correspondence on the subject. The area was generally referred to as the A'Becketts Creek Reserve from then until the Holroyd Sports Ground was developed on the site. This took several years to achieve due to a combination of budget constraints, complex title searches and a land swap with AGL, the need for preliminary drainage works and re-orienting of the Creek as well as the polluted state of the land when Council inherited it. (HCC Business Papers, 22 December 1970, Town Clerk's Report, p3 (p1893))

A'Becketts Creek was tidal and flowed into Duck Ck, Duck River and then on to the Parramatta River. The land where the Sports Ground was developed was subject to flooding and siltation problems in the existing storm water channels. The Metropolitan Water, Sewerage and Drainage Board (now Sydney Water) had planned new drainage works for the creek which it was forced to delay due to competing demands for new water and sewerage connections as Sydney rapidly expanded during the Post-war years. By 1968 Holroyd Council was calling on the Water Board to prioritise its works at A'Becketts Creek (and also Finlaysons Creek, South Wentworthville). The Water Board relocated and straightened the Creek bed so that it now runs along the southern edge of the Sports Ground and as the final stage several years later installed enormous box culverts at Pitt St, in 1977, to help mitigate local flooding. (The Broadcaster, 22/11/1977, p1).

This section of A'Becketts Creek had a long history as an unofficial dumping ground for heavy waste including car bodies and kitchen items. Newspaper articles dating back to the 1930s and 1940s indicate that it was a serious problem with correspondence between the Metropolitan Water Sewerage & Drainage Board and both Granville and Holroyd Councils to clean up the rubbish, as much of it was being washed downstream into the Granville Stormwater Channel. Illegal dumping was still occurring as late as 1963.

Holroyd Council was also using A'Becketts Creek for the dumping of nightsoil in the 1940s, (The Biz, 29/11/1945, p3) while in 1956 a proposal was raised for a nightsoil dump at Peel St to be discharged into the Water Board's sewer at A'Becketts Ck. (Broadcaster, 01/02/1956, p3)

From 1960 Holroyd Council began dumping fill at A'Becketts Creek in preparation for the area to be redeveloped into a sports reserve. The Council waste was sprayed and covered with soil. However, illegal dumping of unsanitary items, such as animal carcasses, continued causing odour, fly and mosquito problems for nearby residents in Railway St prompting complaints in 1963. The Council's Town Clerk stated in a newspaper article that the reclamation and redevelopment works were expected to continue until 1965 but the site's usage as a tip was expected to cease before then. (The Broadcaster, 02/07/1963, p3) A month later the Council opened another tip in Treves St for residents to use but access was on weekends only as A'Becketts Creek tip was open until midday on weekdays. (The Broadcaster, 27/08/1963, p3). By June 1965 A'Becketts Creek was still being used as a tip by Council and a new problem had emerged with scavengers continually lighting fires in the dumped rubbish to access scrap metal underneath which created constant smoky air for residents in the surrounding streets. (The Broadcaster, 01/06/1965, p6).

The same year Holroyd Council Alderman Harry Maley grew impatient with the slow progress of A'Becketts Creek Reserve's conversion into a public recreation area and called on Council to invite the Local Government Minister to inspect the site in order to stimulate some action on the project (and other reserves in the Municipality). A local rugby league team had expressed interest for two years in establishing a licensed clubhouse on the site once it was fully developed. However, this proposal did not proceed. (The Biz, 25/08/1963, p3)

The opening of the Gipps Rd tip at Greystanes in 1968 ended the A'Becketts Ck Reserve's days as a tip site and enabled the Council to move on with remediation of the site.

In 1970 the Council formed the Holroyd Sports Ground Committee which was comprised of representatives from interested sporting bodies and local residents with the aim of having a section of the park ready for use in 1971. Alderman Frank Smith served as Committee President and was instrumental in getting the project off the ground. (HCC Minutes, Mayoral Report, 08 December, 1970, p1842 (p1 of Mayoral Report) and The Broadcaster, 24 October 1972, p8)

A contractor was employed by Council to make the sports ground but by October 1971 the project had hit a snag with grass failing to grow on the new athletic oval and hockey field due to a lack of natural water. There was also an apparent ponding issue in the centre of the new field due to a minor defect in the watering system but this was quickly remedied. More seriously electricity and sewerage connections for the new amenities block were still pending and cracks and other defects had appeared in the newly constructed building. (HCC Minutes, 02 November 1971, pp1734-1735 (page 2 of Committee of the Whole)

A dispute then ensued but the issues were resolved and by February 1972 top soil was being laid on No. 2 ground. The following month Alderman Smith was calling for signage to be erected on the new toilets, a sink with drainage to be installed in the canteen and for Department of Main Roads rubble and building materials on its Railway St property abutting onto the Sports Ground be cleared. In April he asked for public lighting to be installed and in May for rubbish bins to be installed, removal of car bodies in neighbouring streets and planting of trees at the sports ground.

The Holroyd Sports Ground finally opened with a hockey match to celebrate on 9 July 1972.

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DOCUMENTS  
ASSOCIATED WITH  
REPORT C08/19-177

Attachment 2  
Draft Holroyd Sports Ground  
Masterplan







## Holroyd Sports Ground - Final Masterplan

Issue:  
17th of July, 2019

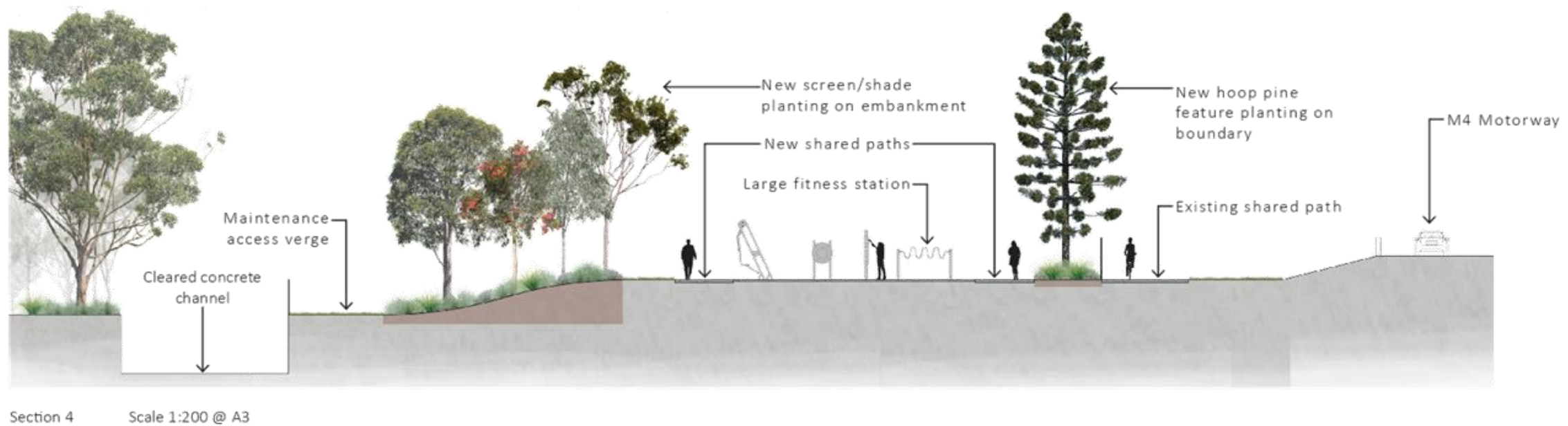
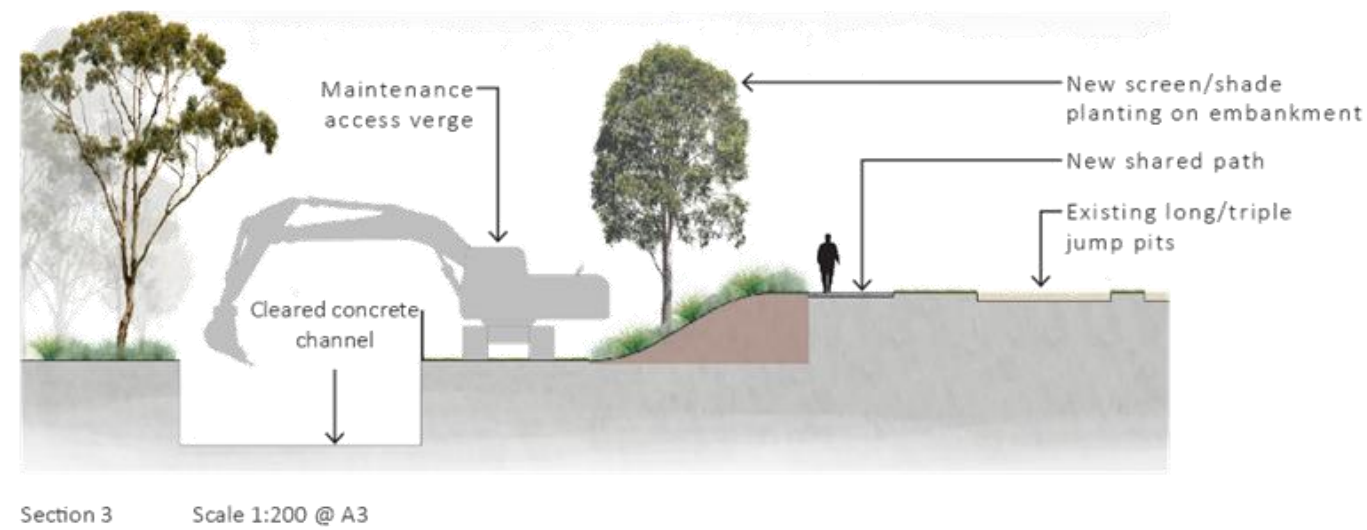
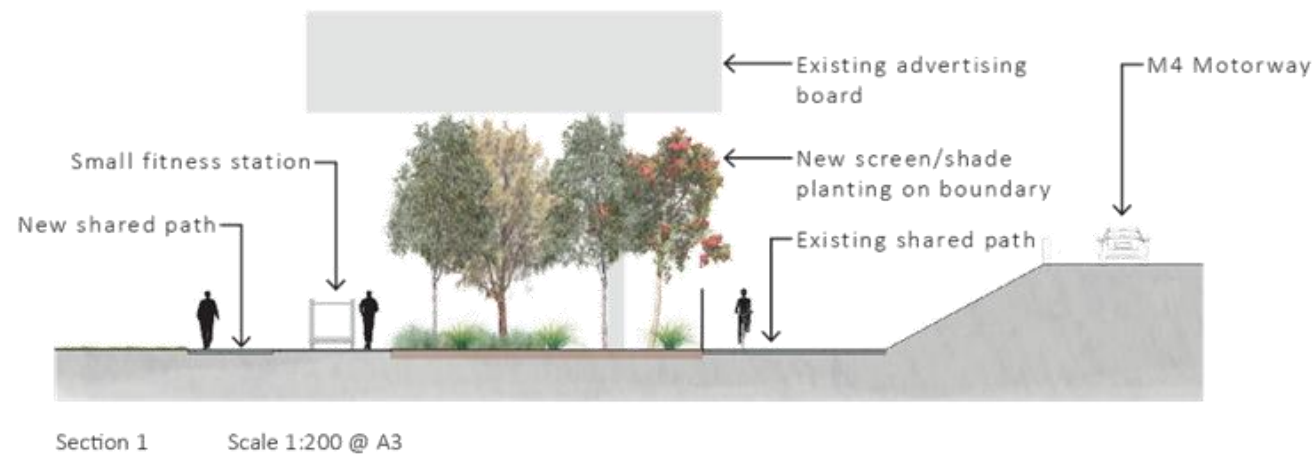
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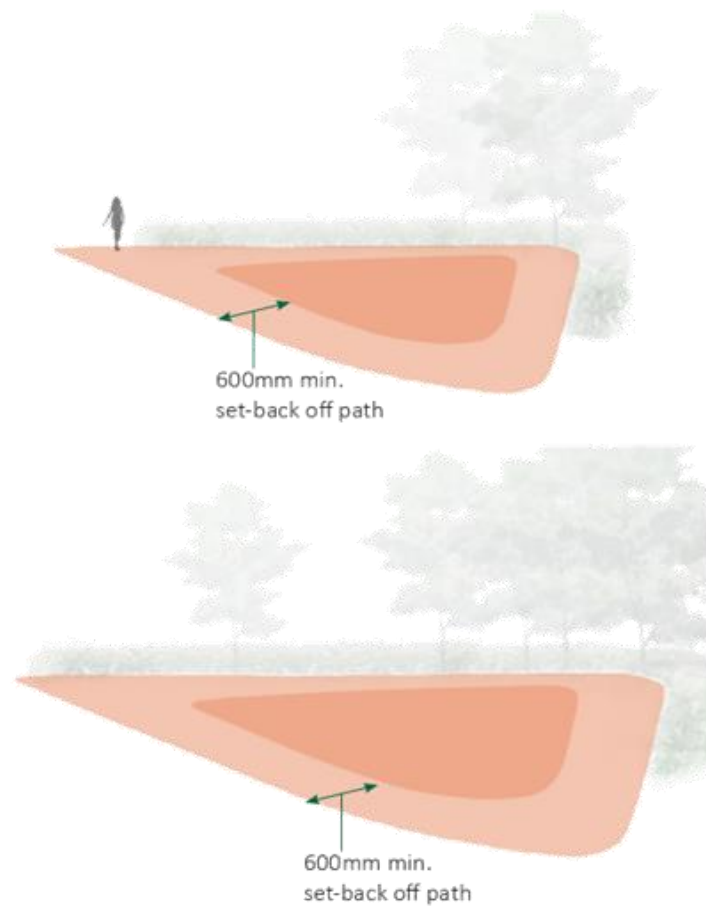








**Examples of Potential Fitness Station Sizes**



**Small Fitness Station**

- 40m<sup>2</sup> approx.
- 3 fitness equipment pieces
- 1-2 benches and/or,
- drinking fountain/water bottle refill tap

**Large Fitness Station**

- 80m<sup>2</sup> approx.
- 6 fitness equipment pieces
- drinking fountain/water bottle refill tap
- adjacent seating & shade structures

**Examples of Potential Fitness Station Elements**



**Back**

- trains the back, shoulder and arm muscles for improved circulation



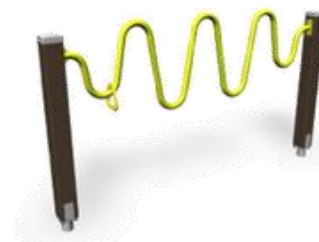
**Chest**

- trains the chest, shoulder and arm muscles



**Shoulder Wheel**

- improves shoulder mobility



**Wave Bar**

- provides exercise for the wrist, elbow and shoulder joints and develops hand-eye coordination and concentration



**Step & Calf**

- improves balance and mobility in the legs



**Step & Calf**

- improves balance and mobility in the legs



**Finger Stairs**

- improves finger dexterity, hand-eye coordination and concentration



**Bench Workout With Pedals**

- improves lower muscle strength and coordination skills



**Balance Beam**

- improves all-round balance and mobility





**Summer Layout (Track & Field)**

- ① 400m grass Running Track
- ② 110m grass Running Track
- ③ Discus
- ④ Shotput
- ⑤ Long/Triple Jump
- ⑥ Javelin
- ⑦ High Jump

Scale 1:3000 @ A3



**Winter Layout (Rugby Union)**

- ① Full size Rugby Field (110 x 70m)
- ② U8 & U9 Rugby Field (70 x 35m)
- ③ U6 & U7 Rugby Field (50 x 25m)

Scale 1:3000 @ A3





DOCUMENTS  
ASSOCIATED WITH  
REPORT C08/19-177

Attachment 3

Holroyd Sports Ground Plan of  
Management Public Hearing  
Report



# PROPOSED RECATEGORISATION OF HOLROYD SPORTS GROUND PUBLIC HEARING REPORT

FINAL REPORT

17 JULY 2019



Land Categorisation Plan

Scale 1:2000 @ A3



CUMBERLAND COUNCIL

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# PROPOSED RECATEGORISATION OF HOLROYD SPORTS GROUND

## PUBLIC HEARING REPORT

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FINAL REPORT

17 JULY 2019

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# 1 INTRODUCTION

## 1.1 Purpose of this report

The purpose of this report is to convey to Cumberland Council the outcomes of a public hearing held on 18 June 2019 and the public exhibition of the proposed recategorisation of community land in the Draft Plan of Management for Holroyd Sports Ground (the site).

This report, as it relates to the public hearing and the proposed community land recategorisation in the Draft Holroyd Sports Ground Plan of Management (the Draft Plan of Management) prepared in April 2019, has been prepared under Section 40A of the *Local Government Act 1993* (the Act).

## 1.2 Land covered by this report

### 1.2.1 Location of Holroyd Sports Ground

This report addresses the proposed recategorisation of Holroyd Sports Ground, which is classified as community land under the *Local Government Act 1993*. The location of Holroyd Sports Ground is in Figure 1.

Figure 1 Location of Holroyd Sports Ground



## 1.2.2 Features of Holroyd Sports Ground

A detailed description of Holroyd Sports Ground is in the Draft Plan of Management. Key features of Holroyd Sports Ground are that it:

- ☐ incorporates sports fields used for athletics and rugby union
- ☐ is adjoined by natural and channelised sections of A'Becketts Creek
- ☐ incorporates an advertising sign on the northern boundary adjacent to the M4 Motorway.



*Sports field*



*Sports field*



*Channelised section of A'Becketts Creek*



*Natural creekline of A'Becketts Creek*



*Advertising sign*



## 1.3 Background

Holroyd Sports Ground was categorised as Sportsground in the adopted Holroyd Sports Ground Plan of Management (Manidis Roberts Consultants, 2004). However a map of the land which is categorised as Sportsground was not provided in the Plan of Management.

Cumberland Council has prepared an updated Draft Plan of Management for Holroyd Sports Ground, in which community land in Holroyd Sports Ground is proposed to be categorised or recategorised as Sportsground, Natural Area-Watercourse, and General Community Use.

Under the *Local Government Act 1993* Council must hold a public hearing, chaired by an independent facilitator, if community land is proposed to be recategorised.

If Council approves the proposed recategorisation, Holroyd Sports Ground will be managed according to the guidelines for and core objectives of the Sportsground, Natural Area-Watercourse, and General Community Use categories.

## 1.4 This report

The remainder of this report presents:

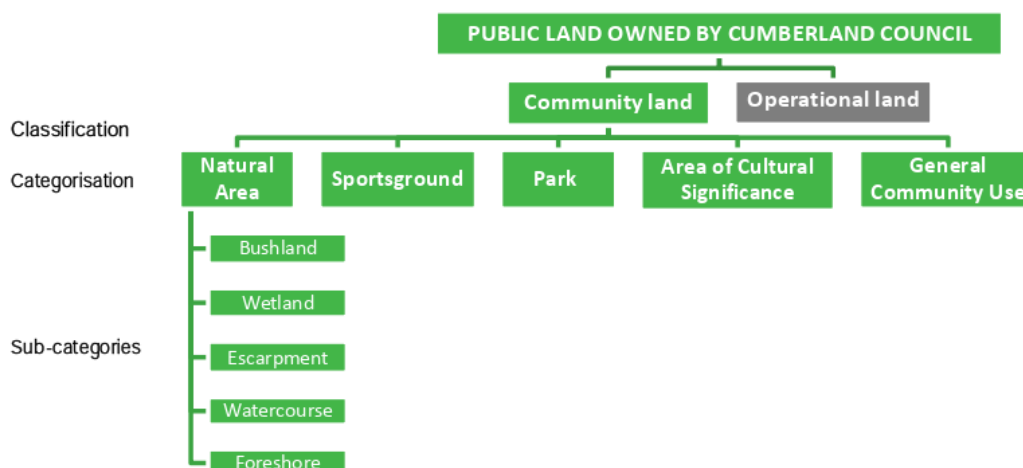
- ❑ the relevant requirements of the *Local Government Act 1993* regarding Plans of Management and categorisation/recategorisation of community land
- ❑ the outcomes of a public hearing and public exhibition of the proposed recategorisation of community land in Holroyd Sports Ground.

## 2 PLANNING CONTEXT

### 2.1 What is community land?

The *Local Government Act 1993* sets out a range of requirements that Cumberland Council is legally bound to adhere to, including the management of public land.

Figure 2 Community land categorisation



The Local Government Act requires that all public land owned by Council must be classified as “community” or “operational” land (Section 26).

Community land is intended to be managed for use by the community for purposes including environmental protection, recreational, cultural, social and educational activities. Community land may only be leased or licensed for up to 21 years without the Minister’s consent or up to 30 years with the Minister’s consent, it cannot be sold, and its use is restricted to the above purposes.

Conversely, operational land is land that can be used for any purposes deemed fit by Council, may be used for commercial purposes, be leased for a longer period of time, and can be sold.

### 2.2 What are the categories of community land?

The *Local Government Act 1993* requires that all land owned by the Council which is classified as community land be categorised.

Community land may be categorised as one or more of the following under Section 36(4):

- ☐ a natural area.
- ☐ a sportsground.
- ☐ a park.
- ☐ an area of cultural significance.
- ☐ general community use.

Land that is categorised as a natural area is to be further categorised as one or more of the following under Section 36(5) of the Act:

- ☐ bushland.
- ☐ wetland.
- ☐ escarpment.
- ☐ watercourse.
- ☐ foreshore.
- ☐ a category prescribed by the regulations.

## 2.3 Proposed recategorisation of Holroyd Sports Ground

Part of Holroyd Sports Ground is proposed to be recategorised from Sportsground to Natural Area – Watercourse and General Community Use as shown in Figure 3 below.

**Figure 3 Proposed recategorisation of Holroyd Sports Ground**



Cumberland Council is proposing to categorise the natural banks and the channelised section of A'Becketts Creek as Natural Area – Watercourse, because that category best fits Council's intentions for future management of the creek.

Cumberland Council is proposing to recategorise part of Holroyd Sports Ground from Sportsground to General Community Use to reflect that area of land as the location of the advertising sign.

Figure 4 Draft Landscape Masterplan for Holroyd Sports Ground





## 2.4 What are the guidelines for categorising community land?

### 2.4.1 Recommendations for categorising community land

The Department of Local Government's revised Practice Note on Public Land Management (Department of Local Government, 2000) made general recommendations on the guidelines for categorising community land. The Practice Note stated:

*"Council must have regard to the guidelines in determining a category (cl.9) but are not required to adopt any category merely because the land fits the description in the guidelines. Council should look at all the circumstances of the land in making a decision as to categorisation. For example, a piece of land may seem to satisfy the guidelines for more than one category. Council has a discretion in this case to look at the land in context, taking into account all relevant material before determining a category. It is important that Council be able to justify a decision."*

*Also, Council may have a piece of community land, parts of which may be best managed as different categories, for example a piece of land with remnant bushland in one part and children's play equipment in another. Council is able to categorise land as part 'Natural Area – Bushland' and part 'Park'. It is strongly recommended that the land in each category not overlap. Overlapping categories may cause conflict in management objectives and will create confusion in the minds of Council staff and the community."*

### 2.4.2 Guidelines and core objectives for categorising community land

Guidelines for categorising community land as a particular category are in Clauses 102 to 111 of the *Local Government (General) Regulation 2005*. The guidelines for categorisation of community land as Sportsground, Natural Area-Watercourse and General Community Use under the *Local Government (General) Regulation 2005* are set out in Table 1 below.

Each category and sub-category of community land has core objectives that apply to it under the *Local Government Act 1993*. The core objectives outline the approach to management of the land covered by the particular category. The core objectives for each category of community land are set out in Sections 36E to 36N of the Act. The core objectives for the Sportsground, Natural Area-Watercourse and General Community Use categories under the *Local Government Act 1993* are also set out below.

**Table 1 Guidelines and core objectives for categories of community land at Holroyd Sports Ground**

Category	Guidelines	Core objectives
Sportsground	If the land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games.	<ul style="list-style-type: none"> <li>- encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games.</li> <li>- ensure that such activities are managed having regard to any adverse impact on nearby residences.</li> </ul>
General Community Use	Land that may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public.	<ul style="list-style-type: none"> <li>- promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public in relation to: <ul style="list-style-type: none"> <li>- public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public.</li> </ul> </li> </ul>



Category	Guidelines	Core objectives
		<ul style="list-style-type: none"> <li>- purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).</li> </ul>
Natural Area	<p>If the land, whether or not in an undisturbed state, possesses a significant geological feature, geomorphological feature, landform, representative system or other natural feature or attribute that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore under section 36(5) of the Act.</p>	<ul style="list-style-type: none"> <li>- conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area.</li> <li>- maintain the land, or that feature or habitat, in its natural state and setting.</li> <li>- provide for the restoration and regeneration of the land.</li> <li>- provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion.</li> <li>- to assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the <i>Threatened Species Conservation Act 1995</i> or the <i>Fisheries Management Act 1994</i>.</li> </ul>
Under Section 36(5) of the Act, Natural Areas are required to be further categorised as bushland, wetland, escarpment, watercourse or foreshore based on the dominant character of the natural area.		
Natural Area – Watercourse	<p>Land that is categorised as a natural area should be further categorised as watercourse if the land includes:</p> <p>(a) any stream of water, whether perennial or intermittent, flowing in a natural channel, or in a natural channel that has been artificially improved, or in an artificial channel that has changed the course of the stream of water, and any other stream of water into or from which the stream of water flows, and</p> <p>(b) associated riparian land or vegetation, including land that is protected land for the purposes of the <i>Rivers and Foreshores Improvement Act 1948</i> or State protected land identified in an order under section 7 of the <i>Native Vegetation Conservation Act 1997</i>.</p>	<ul style="list-style-type: none"> <li>- manage watercourses so as to protect the biodiversity and ecological values of the instream environment, particularly in relation to water quality and water flows</li> <li>- manage watercourses so as to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability</li> <li>- restore degraded watercourses</li> <li>- promote community education, and community access to and use of the watercourse, without compromising the other core objectives of the category.</li> </ul>

## 2.5 Plans of Management for community land

Cumberland Council must prepare a Plan of Management for its community land (Section 36(1)). Community land is required to be used and managed according to a Plan of Management applying to the land (Section 35).

Requirements of the Local Government Act for the contents of a Plan of Management are:

- ☐ a description of the condition of the land, and of any buildings or other improvements on the land as at the date of adoption of the Plan of Management
- ☐ a description of the use of the land and any such buildings or improvements as at the date of adoption of the Plan of Management
- ☐ categorisation of community land
- ☐ core objectives for management of the land
- ☐ the purposes for which the land, and any such buildings or improvements, will be permitted to be used
- ☐ the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise
- ☐ a description of the scale and intensity of any such permitted use or development
- ☐ authorisation of leases, licences or other estates over community land
- ☐ performance targets
- ☐ means for assessing achievement of objectives and performance targets.

## 2.6 Public hearing for recategorisation of community land

### 2.7.1 Why hold a public hearing to recategorise community land?

A public hearing is required under Section 40A of the Local Government Act if the proposed Plan of Management is either categorising (that is, the Plan of Management has not been previously been prepared and adopted by Council, or has not categorised community land), or re-categorising (changing the adopted category) the land covered by the Plan of Management.

*Note: Public hearings regarding categorisation or re-categorisation of community land are not related to reclassification. Reclassification is when community land is re-classified as operational land that can then be managed differently and has the ability to be sold by Council. Community land is protected under the Local Government Act and cannot be sold.*

### 2.7.2 Who conducts a public hearing?

An independent chairperson conducts the public hearing, and provides a report to Council with recommendations on the proposed recategorisation of Holroyd Sports Ground.

Under Section 47G of the Act, the person presiding at a public hearing must not be:

- a) A Councillor or employee of the Council holding the public hearing.
- b) A person who has been a Councillor or employee of that Council at any time during the 5 years before the date of his or her appointment.

### 2.7.3 What happens after the public hearing?

Council must make a copy of the report regarding the outcomes of the public hearing available for inspection by the public at a location within the area of Council no later than 4 days after it has received the final report from the person presiding at the public hearing. This report will be presented to Council for their information when it considers recategorising Holroyd Sports Ground, and adopting any proposed amendments to the Draft Plan of Management for Holroyd Sports Ground.

## 3 THE PUBLIC HEARING

### 3.1 Advertising and notification

#### 3.1.1 Public notice requirements for draft Plans of Management

Section 38 of the *Local Government Act 1993* states that Councils must give “public notice” of a draft Plan of Management, and the length of time that it must be on public exhibition and for submissions to be made. The public notice contents are set out in Section 705 of the Act.

The Draft Plan of Management was on public exhibition for 42 days from 16 May to 26 June 2019.

The public hearing was held on Tuesday 18 June 2019 at the Holroyd Centre in Merrylands from 6:00pm to 7:30pm.

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

#### 3.1.2 Online notification

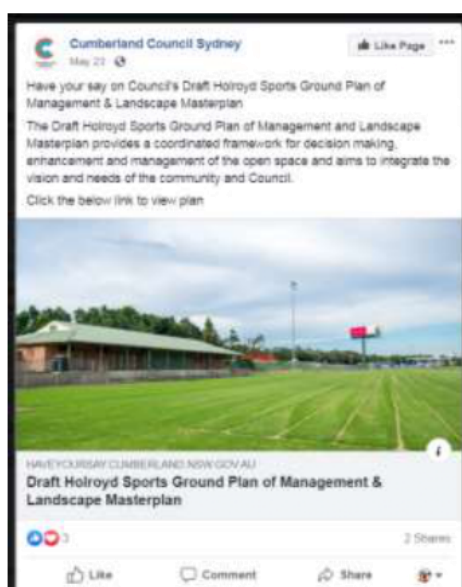
Council notified the community of the public exhibition of the Draft Plan of Management and the public hearing date on its website at <https://haveyoursay.cumberland.nsw.gov.au>.

Council's online 'Have your Say' page provided further information regarding the draft Plan of Management and public hearing, including downloadable copies of the draft plan, Council Officer contact details, and an online comments register.

#### 3.1.3 Social media

Notice of the public exhibition was posted on social media (Facebook) on 23 May 2019.

Figure 5 Facebook post about the public exhibition




### 3.1.3 Newspaper notices

The public exhibition period and public hearing notification details were advertised in Council's column in the *Auburn Review* on 11 June 2019 and in the *Parramatta Advertiser* on 12 June 2019.

Figure 6 Notification about the public hearing in the Auburn Review

8 | auburnreview Tuesday, June 11, 2019 www.localnewsplus.com.au



## Announcements

#### Public Exhibitions

##### Council's Design Excellence Panel Policy

Cumberland Council is exhibiting its Design Excellence Panel Policy for 28 days from Wednesday 22 May 2019.

Cumberland Council is committed to ensuring the highest standard of architectural and urban design is achieved for Cumberland's built environment. The Design Excellence Panel Policy has been developed to outline the principles, purpose and scope of the Design Excellence Panel.

The Design Excellence Policy may be viewed online at [cumberland.nsw.gov.au/have-your-say](http://cumberland.nsw.gov.au/have-your-say) or at the locations listed below under "Viewing the Exhibitions".

Any person who wishes to make a submission may do so in writing until 4pm on Wednesday 19 June 2019. Please quote reference "SCAP9 Cumberland Design Excellence Panel Policy" as the relevant subject on your submission.

**For More Information:** Contact Eva Cullen, Planning

- **Berala Community Centre**  
76-104 Woodburn Road, Berala
- **Auburn Centre for Community**  
40A Macquarie Road, Auburn
- **Auburn Library**  
Civic Plaza, 1 Seven Street, Auburn
- **Granville Library**  
8 Carlton Street, Granville
- **Greystanes Library**  
732 Maryland Road, Greystanes
- **Guildford Library**  
Railway Terrace, Guildford
- **Lidcombe Library**  
Bridge Street, Lidcombe
- **Merrylands Library**  
Corner Miller and Newman Streets, Merrylands
- **Regents Park Library**  
1 Amy Street, Regents Park

#### Tender

##### Auburn Botanical Gardens Entrance Revitalisation Project

**Tender No: T2019-019**

Cumberland Council is seeking tenders from suitably qualified companies for the construction, landscaping and heritage works of the new community access entry at the Auburn Botanical Gardens at Chisholm Road, Auburn.

Tender documents can be downloaded (free of charge) from [tenders.nsw.gov.au](http://tenders.nsw.gov.au).

Responses must be submitted electronically to the same above mentioned portal. Submissions by hard copy, email and fax will not be accepted.

Tender closing date is at 2pm on 2 July 2019, late tenders will not be considered.

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Panel's Coordinator at Cumberland Council on **8757 9963**

#### Council's Draft Cumberland Biodiversity Strategy 2019

Cumberland Council is exhibiting its Draft Cumberland Biodiversity Strategy 2019 for 28 days from Wednesday 22 May 2019.

The Draft Cumberland Biodiversity Strategy 2019 outlines a strategic and coordinated approach to manage biodiversity in Cumberland. It has been developed to protect and enhance biodiversity in the Cumberland area. The Draft Strategy outlines a framework for managing biodiversity, sets out a vision and identifies objectives and actions under three Key Focus Areas:

**Key Focus Area 1:** Community Awareness and Engagement  
**Key Focus Area 2:** Habitat Connectivity and Condition  
**Key Focus Area 3:** Planning and Innovation

The framework may be viewed online at [cumberland.nsw.gov.au/have-your-say](http://cumberland.nsw.gov.au/have-your-say) or at the locations listed below under "Viewing the Exhibitions".

Any person who wishes to make a submission may do so in writing until 4pm on Wednesday 19 June 2019. Please quote reference "Cumberland Biodiversity Strategy 2019" as the relevant subject on your submission.

**For More Information:** Contact Tim Nguyen, Environmental Management Officer at Cumberland Council on **8757 9804**

#### Council's Draft Environmental Management Framework 2019

Cumberland Council is exhibiting its Draft Environmental Management Framework 2019 for 28 days from Wednesday 22 May 2019.

Council is committed to keeping our organisation and Cumberland clean, green and environmentally sustainable for our residents, businesses and the wider community.

The Draft Environmental Management Framework outlines how Council protects, enhances and improves our environment for current and future generations. The framework supports our commitment to deliver "A clean and green community".

#### Plan of Management for Holroyd Sports Ground

A draft Plan of Management incorporating a Landscape Masterplan has been prepared within the legislative requirements of the Local Government Act 1993, to guide the future management and development of the Holroyd Sports Ground.

The Public Exhibition of the draft plan will be for a 42-day period, concluding on Wednesday 26 June 2019, and the community is invited to provide comments during this period.

The draft Plan of Management for the Holroyd Sports Ground open space area can be viewed on Council's website at [haveyoursay.cumberland.nsw.gov.au](http://haveyoursay.cumberland.nsw.gov.au), or at the Cumberland Council Service Centre, 16 Memorial Avenue, Merrylands.

Submissions will be received until close of business at 4.30pm by:

- **Email:** [council@cumberland.nsw.gov.au](mailto:council@cumberland.nsw.gov.au)
- **Post:** The General Manager, Cumberland Council, PO Box 42, Merrylands NSW 2160.

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

A Public Hearing for these inclusive will be held between 4pm and 7.30pm on Tuesday 18 June 2019 at The Holroyd Centre, 17 Miller Street, Merrylands.

Should you have any enquiries in relation to the draft Plan of Management, please contact Council's Recreation Planner, Linda Wright on **8757 9384**.

Tenders are required to comply with the Local Government (General) Regulation 2005 and the NSW Government Code of Practice and Code of Tendering.

Requests for further clarification and enquiries in relation to the tender may be emailed to [tendering@cumberland.nsw.gov.au](mailto:tendering@cumberland.nsw.gov.au).

#### Proposed Developments

##### Childcare Centre

The exhibition period for the following application is from 11 June 2019 to 25 June 2019.

**File:** DA-152/2019

**Site:** 17 Nottingham Road, Lidcombe, Lot 2 DP 962677

**Proposed:** Demolition of existing structures and construction of a 48-place childcare facility with basement level parking to operate 7am to 4pm, Monday to Friday

**Contact:** Elma Sukuma, **8757 9570**

##### Re-Notification

The exhibition period for the following application is from 11 June 2019 to 25 June 2019.

**File:** DA-290/2017/A

**Site:** 331 Bawell Street, South Granville, Luth 4041 Sec 1 DP 3121

**Proposed:** Re-notification - Section 4.56 application to modify an approved childcare facility to provide additional general purpose rooms and a rooftop outdoor play area.

**Contact:** Harley Peerman, **8757 9956**

Cumberland Council invites public comment on these Development Proposals before making a decision. Plans for the proposals may be inspected at Council's Administration Building, Merrylands Office Customer Services Counter, 16 Memorial Avenue, Merrylands and Auburn Office Customer Services Counter, 100 Macquarie Road, Auburn.

#### Have Your Say

##### Proposed Closure of a Public Road -



### 3.1.4 Notification of local residents and businesses

Council letterhead and flyer notifications for the public exhibition period and public hearing date were distributed to nearby businesses and residences within a 200 metre radius of the study area.

### 3.1.5 Notification of Holroyd Sports Ground users

Corflute signage was displayed at Holroyd Sports Ground.

### 3.1.5 Notification of stakeholders

Council emailed interested stakeholders including the Holroyd Sports Ground Local Park Committee and the Recreation and Sport Advisory Panel about the public exhibition, Have Your Say page, and the public hearing.

## 3.2 Availability of the draft Plan of Management

The draft Plan of Management for Holroyd Sports Ground showing the proposed recategorisation could be viewed online on Council's website at [haveyoursay.cumberland.nsw.gov.au](http://haveyoursay.cumberland.nsw.gov.au).

Hard copies of the draft Plan of Management were also made available at Council's Merrylands Customer Service Centre.

## 3.3 Attendance at the public hearing

As required under Section 47G of the *Local Government Act 1993*, Council appointed an independent chairperson, Sandy Hoy, Director of Parkland Planners, to chair the public hearing.

Linda Wright, Recreation Planner at Cumberland Council, attended the public hearing to represent Cumberland Council, provide information, and answer questions during the public hearing. Julie Marler from Phillips Marler attended the public hearing to answer any questions about the Landscape Masterplan.

No members of the community attended the public hearing.

## 3.4 The public hearing

The public hearing was open from 6:00pm to 7:30pm on Tuesday 18 June for questions and comments about the proposed recategorisation and the Draft Plan of Management. However no members of the community attended the public hearing.

## 3.5 Submissions

No verbal or written submissions were made at the public hearing.

The closing date for written submissions online, by mail or email on the proposed categorisation and the Draft Plan of Management was advertised as Wednesday 26 June 2019. Written submissions could be made by:

- ☐ Online: [haveyoursay.cumberland.nsw.gov.au](http://haveyoursay.cumberland.nsw.gov.au)

□ Email: [council@cumberland.nsw.gov.au](mailto:council@cumberland.nsw.gov.au)

□ Post:

The General Manager  
Cumberland Council  
PO Box 42  
Merrylands NSW 2160

Written submissions were received from:

- Holroyd Sports Ground Local Park Committee.
- One community member responding to the public exhibition of the Draft Holroyd Sports Ground Plan of Management wants pedestrian entry to Holroyd Sports Ground from the east, retention of habitat along A'Becketts Creek, planting to screen the channel walls, walking and fitness opportunities, and an enclosed area for exercising dogs separated from the active recreation area.
- One community member responding to the public exhibition of the Draft Holroyd Gardens Plan of Management, who suggested using Holroyd Sports Ground as overflow event parking for Holroyd Gardens users.

These submissions will be considered and addressed in finalising the Plan of Management and Landscape Masterplan for Holroyd Sports Ground.

No written submissions which mentioned the proposed recategorisation of community land in Holroyd Sports Ground were received.

## 4 RECOMMENDATIONS

### 4.1 Recommendations

No submissions about the proposed recategorisation of community land at Holroyd Sports Ground were made at either the public hearing or during the public exhibition of the Draft Plan of Management. As such, there is no compelling reason to change the proposed recategorisation of Holroyd Sports Ground as Sportsground, Natural Area – Watercourse, and General Community Use which was proposed in the Draft Holroyd Sports Ground Plan of Management.

My recommendations to Cumberland Council regarding the proposed recategorisation of community land in Holroyd Sports Ground are that Council:

- ☐ note that no verbal and written submissions were made by the community.
- ☐ recategorise the community land in Holroyd Sports Ground as Sportsground, Natural Area – Watercourse, and General Community Use as shown in Figure 7 of the publicly exhibited Draft Holroyd Sports Ground Plan of Management, and as shown in Figure 7 below.

**Figure 7 Categorisation of Holroyd Sports Ground**



Source: Holroyd Sports Ground Draft Plan of Management

## 4.2 Adoption of proposed categorisation

Council must agree to the proposed recategorisation of community land as set out in the Draft Holroyd Sports Ground Plan of Management before resolving to adopt the proposed amendments to the Plan of Management.

Section 114 of the *Local Government (General) Regulation 2005* states that if Council receives any submission objecting to a categorisation of land in the Plan of Management, and the Council adopts the Plan of Management without amending the categorisation that gave rise to the objection, the resolution by which Council adopts the Plan of Management must state the Council's reasons for categorising the relevant land in the manner that gave rise to the objection.

If Council intends to adopt the proposed recategorisation of Sportsground, Natural Area – Watercourse, and General Community Use as was set out in the Draft Plan of Management, it must state the reasons why it did not make changes to the categorisation in response to the objections received in its resolution to adopt the Plan of Management. However, there were no submissions which objected to the proposal to recategorise the community land in Holroyd Sports Ground as Sportsground, Natural Area – Watercourse, and General Community Use.

If Council decides to alter the proposed categorisation of community land from that in the Draft Plan of Management and that considered at the public hearing, Council must hold a further public hearing in respect of the proposed Plan of Management (Section 40A(3) of the *Local Government Act 1993*).

## 4.3 Reporting

Within four days of receiving this final report, Council is required under Section 47G(3) of the *Local Government Act 1993* to make a copy of this report available for inspection by the public at a location within the area of the Council. It is recommended that Council:

- ☐ keep a copy of the public hearing report for inspection at Council's Merrylands and Auburn Customer Service Centres and libraries.
- ☐ post an electronic copy of the public hearing report on Council's website.



**Sandy Hoy**  
Director  
Parkland Planners

17 July 2019

DOCUMENTS  
ASSOCIATED WITH  
REPORT C08/19-177

Attachment 4  
Summary of Submissions





### Summary of Submissions

Comments / Suggestions	Council response	Changes to document
<p>Submission 1:</p> <p>As presented within minutes of Holroyd Sports Ground Local Park Committee meeting:</p> <ul style="list-style-type: none"> <li>- Acknowledgement Names incorrect.</li> <li>- Committee Responsibilities not how committee views roles and responsibilities.</li> <li>- Throwing Cages and Shot Circles Very Good to Poor Condition, but not listed in actions.</li> <li>- Seasonal Sports Field Layouts not as User Groups see them.</li> </ul>	<p>Committee, Names and User Groups will be separated and fixed.</p> <p>It appears the former 355 constitution was used within the Plan of Management not the new/current one. This will be rectified.</p> <p>Wording to be rectified.</p> <p>This is a DRAFT Master Plan Feedback is welcomed up until Wednesday 26 June: <a href="https://haveyoursay.cumberland.nsw.gov.au/draft-holroyd-sports-ground-plan-ofmanagement-landscape-masterplan">https://haveyoursay.cumberland.nsw.gov.au/draft-holroyd-sports-ground-plan-ofmanagement-landscape-masterplan</a></p>	<p>Names and User Groups separated and corrected and included in Attachment 1 of this report.</p> <p>The Draft Holroyd Sports Ground Plan of Management is updated to reflect updated roles and responsibilities of the Holroyd Sports Ground Local Park Committee, per the Cumberland Council Parks and Facilities Committee Constitution, 2017 included in Attachment 1 of this report.</p> <p>Change recommended for description of Very Good to Poor Condition to remain, however, action listed to address those in Poor Condition.</p> <p>No change recommended.</p>

<ul style="list-style-type: none"> <li>- No Use by Elite Athletes observed.</li> <li>- Clubhouse Storage</li> <li>- Fitness Facilities question of additional access gates.</li> <li>- Dog Exercise concerns on sporting fields. Signs regarding no off-leash area have been removed.</li> </ul>	<p>If unauthorised use is advised, Council will monitor.</p> <p>Rugby Club has advised previously of storage concerns. All feedback is documented as part of Public Exhibition process.</p> <p>Fitness Equipment will be accessed by the pedestrian path around perimeter of the facility, no access across field will be needed. Field Fencing was updated recently with access points, if ever required.</p> <p>Signage will be replaced if required.</p>	<p>No change recommended.</p> <p>A change recommended to revise action regarding User Group Storage included in Attachment 1 of this report.</p> <p>No change recommended for this comment in Submission 1.</p> <p>A change recommended to revise action to reinstate signage if required included in Attachment 1 of this report.</p>
<p>Submission 2:</p> <p>"My family live east of Church Street &amp; access Holroyd Sportsground via the cycleway. It would be great to allow for pedestrian entry from this direction at the east side of the enclosed area. Presently one has to walk or cycle all the way over to the western end to gain entry. For people living on "the far side" Holroyd Sportsground and adjoining open space represents the closest recreation space available and this should be allowed for. Generally speaking very happy with the suggested landscaping plan especially the revegetation project along A'Becketts Creek. My only concern is that this be done in a way that allows for habitat retention through time, especially for small bird species reliant on low</p>	<p>In Figure 10: Holroyd Sports Ground Draft Landscape Masterplan, as included in the Plan of Management, opportunities for pedestrian and cycle entry points to the South West and East of Holroyd Sports Ground are recognised to increase access and linkages to pathway networks including a new internal recreational pathway along the creek line and perimeter of Holroyd Sports Ground.</p>	<p>No change recommended to this comment in Submission 2.</p>

<p>cover for protection from predators. Staged removal and revegetation from the upstream end should be employed. The vegetation in the channelised section of the canal described as "weed growth" in one section of the plan should be regarded as potential habitat for species including potentially Reed Warbler &amp; other small bird species, frogs (including the Green &amp; Golden Bell Frog) &amp; aquatic insects such as dragonflies. The plant species concerned is absorbing nutrient &amp; slowing down the flow of water, a decided advantage given the erosion that is occurring further down the creek. Screening of the channelised wall &amp; retaining wall via smart planting of short / medium / tall species based on where in the slope they occur (shorter species upslope) would also be appreciated. Passive walking recreation &amp; opportunities to improve fitness are also appreciated. While not a dog walker I do recognise that an element of the community should be considered regarding this, perhaps in an enclosed area separate from the active recreation.."</p>	<p>Additional considerations will be made in regards to 4.2.5 Environmental Impacts for action of the removal of weed species within the concrete canal in regards to potential habitat, nutrient absorption and water flow impacts.</p> <p>Consideration has been made under 4.2.4 Recreation Actions for Dog exercise including provision of dog waste bins in passive recreation areas of the open space area.</p>	<p>A change recommended to revise action to Channel Management as required included in Attachment 1 of this report.</p> <p>No change recommended to this comment in Submission 2.</p>
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Item No: C08/19-178

## **NOTICE OF MOTION - SERVICE CENTRES AT COUNCIL LIBRARIES AND COMMUNITY CENTRES**

Councillor: Kun Huang  
File Number: SC483

### **SUMMARY**

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Pursuant to Notice, Councillor Huang submitted the following Motion.

### **NOTICE OF MOTION**

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**That Council provide a report in relation to the current administrative services offered at Council's customer service centres, community centres and libraries across the Cumberland Local Government Area.**

### **RESOURCING IMPLICATIONS**

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This Notice of Motion requests information related to services operated by the Community Development and People and Performance Directorates. Council is able to provide a detailed report utilising existing staff resources on this matter.

### **GENERAL MANAGER ADVICE**

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Council currently operates:

- Two customer service centres located in Auburn and Merrylands, which provide face to face service functions for all Council services, including cashiering, general information, service requests, application enquiries, and complaints and feedback. Both locations are open Monday to Friday from 8.00am to 4.30pm. An after-hours call centre function also operates Monday to Friday from 4.30pm to 8.00am, and Saturday to Sunday 24 hours per day for all enquiries. Council's Contact Centre at Auburn also offers phone and webchat functions.
- Eight libraries, including two central libraries (Auburn and Merrylands) and six branch libraries (Granville, Greystanes, Guildford, Lidcombe, Regents Park and Wentworthville), which provide a range of administrative services and on-site customer service functions up to 7 days a week across extended opening hours. This includes general information and referral services, requests and complaints, Internet and Wi-Fi access, viewing of public exhibition documents and JP services; and
- Three staffed multi-purpose community centres (Auburn, Berala and Guildford) and an additional centre under development (Granville), which provide a range of on-site customer service functions (face to face and phone enquiries) 5 days a week, Monday to Friday during business hours. This includes general

enquiries, requests and complaints, receipt of cashless payments, hall bookings, registrations for Council programs and services, Wi-Fi access and viewing of public exhibition documents.

The report requested can detail the full suite of services available to the community at these sites, current user statistics and information related to limitations across these sites.

## **ATTACHMENTS**

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Nil

Item No: C08/19-179

## **NOTICE OF MOTION – CUMBERLAND COUNCIL MULTICULTURAL LANGUAGE SERVICES**

Councillor: Kun Huang  
File Number: SC483

### **SUMMARY**

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Pursuant to Notice, Councillor Huang submitted the following Motion.

### **NOTICE OF MOTION**

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**That Council provide a report on the feasibility and costs associated with the establishment of a Council operated call service that allows residents to dial the customer services number and select their language prior to connecting to a customer service representative.**

### **RESOURCING IMPLICATIONS**

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Council is able to produce a report on this matter within existing resourcing.

### **GENERAL MANAGER ADVICE**

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Council is able to produce a report on this matter for the 18 September 2019 Council meeting. This report will explore various options available to Council for consideration in providing a multi-lingual customer service offering.

### **ATTACHMENTS**

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Nil



Item No: C08/19-180

## **NOTICE OF MOTION - SOUTH GRANVILLE INFRASTRUCTURE WORK**

Councillor: Tom Zreika  
File Number: SC483

### **SUMMARY**

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Pursuant to Notice, Councillor Zreika submitted the following Motion.

### **NOTICE OF MOTION**

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**That in financial year 2019/20, Council:**

- 1. Endorse the construction of footpaths where no footpaths currently exist in the South Granville ward, within the boundaries of the former Woodville Ward of Parramatta City Council, and the projected budget of \$2,500,000 be included in this year's capital works program.**
- 2. Upgrade the streetscape and improve the landscape with new street furniture and paving at Dellwood Street Shops, at a projected budget of \$700,000.**
- 3. Construct new canteen and clubroom facilities at Everley Park, inclusive of a new clubroom at Everley Park North and new canteen facilities at Everley Park South at a projected budget of \$400,000.**
- 4. Renew and refurbish the cricket nets at Colquhoun Park and Guildford Park at a projected budget of \$100,000.**
- 5. Endorse the above works being funded from available funds within the Woodville ward reserve.**

### **RESOURCING IMPLICATIONS**

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These projects can be undertaken with Council's existing contract resources. The capital works budget will be amended to reflect these additional projects at the Quarter 1 Review if this Motion is successful.

### **GENERAL MANAGER ADVICE**

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These projects subject to Council approval can be incorporated into Council's current Capital Works Program. Design and scoping works can commence and be completed in the 3rd Quarter of this current financial year with construction anticipated to commence in the 4th quarter of the current financial year and carried forward into the 2020 - 2021 financial year for completion.



**ATTACHMENTS**

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Nil

Item No: C08/19-181

## **NOTICE OF MOTION - ANCHOR FEES**

Councillor: Ned Attie and Joseph Rahme  
File Number: SC483

### **SUMMARY**

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Pursuant to Notice, Councillors Attie and Rahme submitted the following Motion.

### **NOTICE OF MOTION**

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**That:**

- 1. Council investigate the costs of Anchor Fees contained within the Cumberland Council Schedule of Fees and Charges 2019/2020 as compared to other local councils that impose such fees and charges.**
- 2. Council be provided with a report into comparable costs of anchor fees with similar councils.**
- 3. A fair and equitable cost structure be developed for anchors (similar to Burwood or Canada Bay Councils) and provided to Council for comment or otherwise.**

### **RESOURCING IMPLICATIONS**

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This report can be provided with existing resources.

### **GENERAL MANAGER ADVICE**

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This report will be provided to Council for consideration in October 2019.

### **ATTACHMENTS**

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Nil