

## **PUBLIC HEARING REPORT**

Held Tuesday 6<sup>th</sup> December at Allan G Ezzy Community Centre Hall  
Report prepared 13<sup>th</sup> December 2022

<b>Name</b>	<b>Role</b>
<b>Community</b>	
4 Community Members	
<b>Council</b>	
Adam Ford	Landscape Architect
Lisa Ivcevic	Urban and Open Space Planner
<b>Facilitator</b>	
Adam Hunter	Consultant: Environmental Partnership (NSW) Pty Ltd

### **1.0 Introduction**

The Lakewood Riparian Corridor Plan of Management (PoM) was prepared by Landscape Architectural consultants, Environmental Partnership during May to October 2017.

An amendment to the Final PoM was undertaken in August 2022 to consider the development of a Community Garden in the area of the Gateway Park space. This Amendment Summary includes the pages from the PoM that have been subject to amendment for the integration of the proposed community garden.

#### ***Background to Amendment***

The community garden was the subject of local community interest and a successful application for grant funding under the Places to Roam Program 21-22 from the NSW Department of Planning and Environment.

A concept has been developed with community input and is provided in this summary report.

The area of the Riparian Corridor that will accommodate the proposed community garden, and known as Gateway Park is currently categorised as Park under the community land categories as defined by the Local Government Act (1993) (LG Act) and Local Government (General) Regulation 2005. The amendment proposes that the categorisation of this pocket space be revised from Park to General Community Use to facilitate the use and management of the space as a community garden.

This amendment summary focusses on the relevant sections of the PoM that have been revised to facilitate this amendment and are provided on the following pages as listed in the table of contents. The text that forms part of the proposed amendment has been highlighted by underlining for ease of reference.

#### ***Public Exhibition and Public Hearing***

The Draft PoM amendment is on public exhibition in accordance with the requirements of section 38 of the Local Government Act 1993. The Public Exhibition commenced on Tuesday 22nd November and receipt of community submissions will extend until Monday 13th February 2023 .

Submissions from the community will be received, and Council will consider these submissions before adopting the PoM.

The Public Hearing was held in accordance with Section 40A of the LG Act as a categorisation is proposed to be amended, after which this public hearing report was provided to Council, and made available for public inspection.

## 2.0 Purpose of the public hearing

A public hearing is required by Section 40A of the LG Act for Council owned Community Land if the draft plan of management would have the effect of categorising, or altering the categorisation of, community land as follows:

### **40A Public hearing in relation to proposed plans of management**

- (1) *The council must hold a public hearing in respect of a proposed plan of management (including a plan of management that amends another plan of management) if the proposed plan would have the effect of categorising, or altering the categorisation of, community land under section 36(4).*
- (2) *However, a public hearing is not required if the proposed plan would merely have the effect of altering the categorisation of the land under section 36(5) (that is applying a sub-categorisation under the Natural Area category).*
- (3) *A council must hold a further public hearing in respect of the proposed plan of management if--*
  - (a) *the council decides to amend the proposed plan after a public hearing has been held in accordance with this section, and*
  - (b) *the amendment of the plan would have the effect of altering the categorisation of community land under section 36(4) from the categorisation of that land in the proposed plan that was considered at the previous public hearing.*

With regards to Crown Reserves, the Crown Land Management Regulation 2018 was amended in 2021. Under Clause 70A, Council Crown land managers are not required to hold a public hearing under Section 40A of the LG Act if the categories assigned in a plan of management were amended from those initially assigned prior to the preparation of a plan of management.

## 3.0 The proposed re-categorisation

As noted previously the amendment proposes that the categorisation of the pocket space known as the gateway park in the 2018 Plan of Management be revised from Park to General Community Use to facilitate the use and management of the space as a community garden.

Confirmation of the location of the proposed re-categorisation is provided on Figure 1 on the following page.

## 4.0 Conduct and reporting of the public hearing

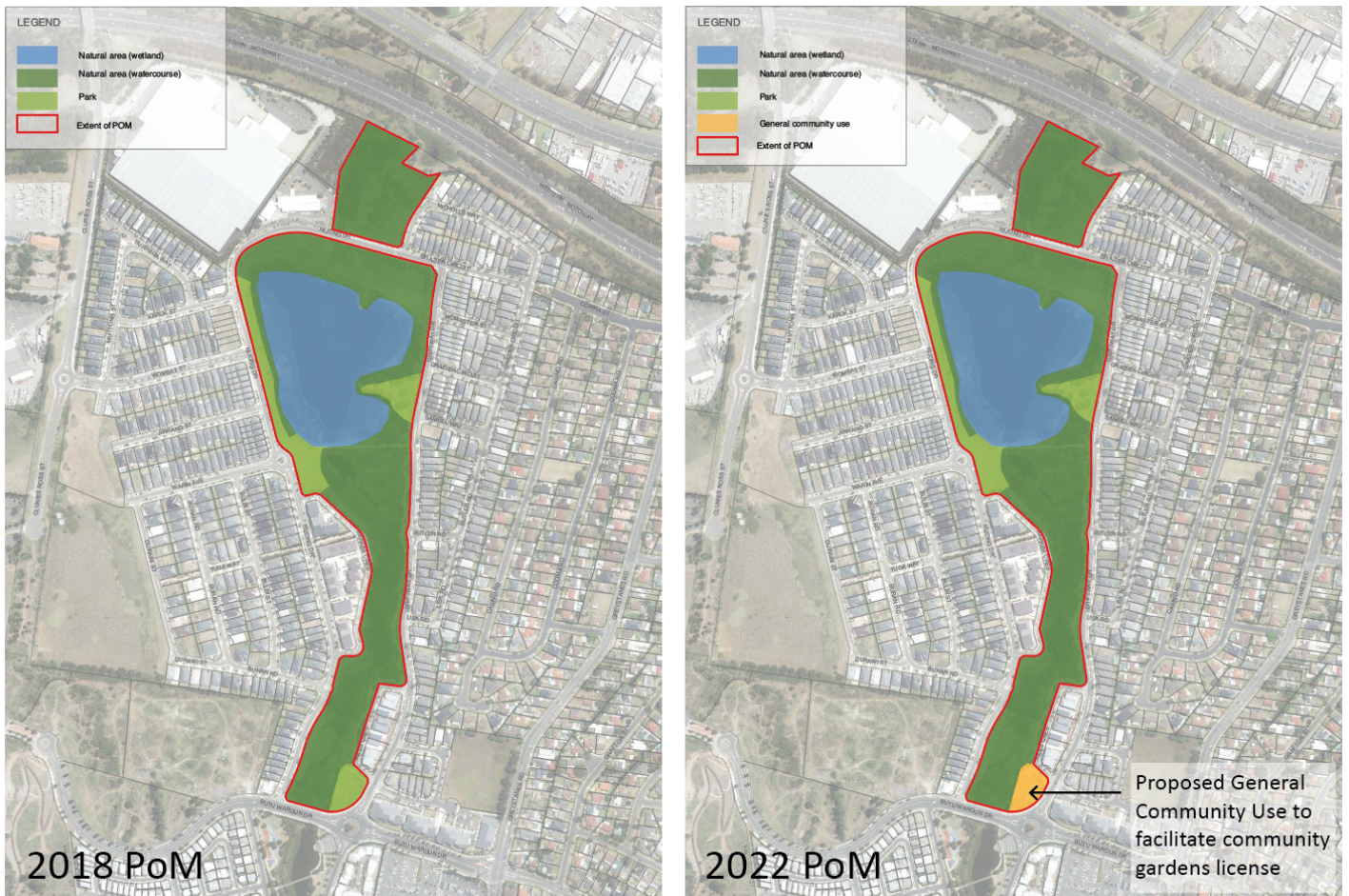
An independent chairperson is required to conduct the public hearing and provide a report to Council with any recommendations arising.

Under Section 47G of the LG Act, the person presiding at a public hearing must not be:

- a) A Councillor or employee of the Council holding the public hearing, or
- 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.

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.

The public hearing report is to be presented to Council for its information when it considers the draft Plan of Management.



**Figure 1 – Proposed re-categorisation**

### 5.0 Public hearing

The public hearing was held from 6-7pm on Tuesday 6<sup>th</sup> December and was notified through Council's Your Say webpage, advertisements in the Auburn Review and Parra News on 22 November 2022, letterbox drop of 360 flyers in mailboxes directly surrounding the area where the change is proposed (including the Nelson's Grove Retirement Village), a flyer emailed to Allity Aged Care and a flyer placed on the noticeboard at Pemulwuy Marketplace.

The public hearing was opened by Council at 6pm on Tuesday 6<sup>th</sup> December. Four community members were in attendance along with two Council Staff and one consultant preparing the Public Hearing Report.

Adam Ford welcomed attendees to the meeting, and gave an acknowledgment of Country. Adam Hunter made a brief presentation on the reasons for and aims of the public hearing noting that its key focus was to address questions and comments on the proposed re-categorisation.

It was noted that submissions on the Draft Plan of Management Amendment will be received up until 13<sup>th</sup> February and general comments on the proposed community gardens and its management will be received up until this time. Attendees were encouraged to make a submission through this process if they have any comments to make on the community gardens design and management.

Adam Ford gave a brief presentation on Councils Community garden proposals which will include (refer Figure 2 Community Garden Masterplan):

- Storage and hardstand area
- Raised garden beds in grassed area
- Raised garden beds in hardstand suitable for disabled access and use
- Native "bush tucker" garden area
- Garden materials storage areas
- Re-use of park seating and shelter
- Perimeter Fencing

Adam Ford noted that a grant had been received for \$75k from the NSW Department of Planning & Environment, 2021-2022 Places to Roam Community Gardens Program and that initial works on development of the community garden would need to focus on high priority tasks to enable the gardens to be established and then further develop and evolve over ensuing years.

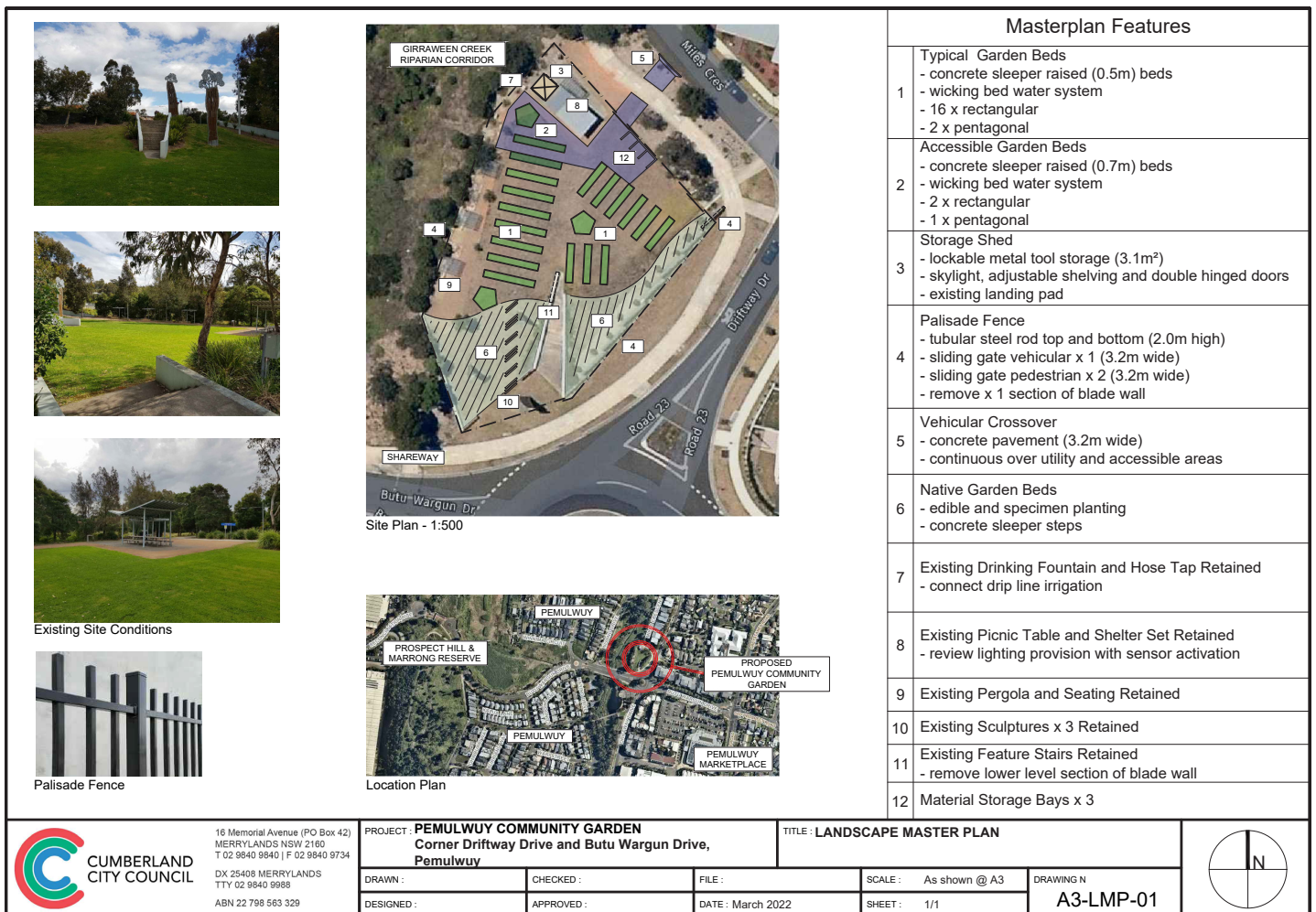


Figure 2 – Community Garden Masterplan proposal by Cumberland Council

### 6.0 Public hearing comments

No comments were received at the public hearing regarding the re-categorisation of open space in the draft Plan of Management Amendment. General comments on the community gardens proposals will be received up until 13<sup>th</sup> February 2023) and considered by Council in finalisation of the Plan of Management amendment.

### 7.0 Recommendation

No changes are recommended to the proposed re-categorisation as listed in the draft Plan of Management Amendment as a result of the public hearing held on 6<sup>th</sup> December 2022.

As noted above Council may undertake amendments to the draft Plans of Management Amendment following a review of the submissions received during the public exhibition.

Public Hearing Report prepared by:  
 Adam Hunter, Director  
 Environmental Partnership (NSW) Pty Ltd  
 13<sup>th</sup> December 2022