

Item No: C04/18-64

FINALISATION OF THE MERRYLANDS STATION AND MCFARLANE STREET PRECINCT PLANNING PROPOSAL AND PRECINCT DCP CONTROLS

Responsible Division: Environment & Infrastructure
Officer: Group Manager - Planning
File Number: HC-23-12-24
Community Strategic Plan Goal: *A resilient built environment*

SUMMARY

Proposal Details		
Address	Merrylands Station and McFarlane Street Precinct	
Proposal Summary	Seeks to amend specified planning controls under Holroyd Local Environment Plan (LEP) 2013 to better align the FSR and maximum heights of buildings for sites within the Precinct.	
Existing Zoning and Planning Controls	Zoning: Height: FSR:	B4 Mixed Use 41m – 65m 3.5:1 – 9:1
Proposed Zoning and Planning Controls	Zoning: Height: FSR:	B4 Mixed Use; RE1 Public Recreation; SP2 Infrastructure 41m – 105m (up to 10% design excellence bonus proposed) 3:1 – 9:1 (up to 0.5:1 design excellence bonus proposed)
Disclosure of political donations and gifts	N/A	
Previous Considerations	CCL009-16 – Council report and minutes of 1 March 2016 - ‘Merrylands Station and McFarlane Street Precinct Review’ DCS014-16 – Council Report and minutes of 3 May 2016 - ‘Merrylands Station and McFarlane Street Precinct Review - Pre-Gateway Consultation Report’	

The purpose of this report is to acknowledge the submissions received during the community consultation period, to seek Council resolution to adopt the Planning Proposal for the Merrylands Station and McFarlane Street Precinct, Merrylands, and to finalise this as an amendment to the Holroyd LEP 2013. This amendment also proposes to apply Design Excellence provisions, now clause 6.11 of the Holroyd LEP 2013, as intended under the Planning Proposal. Additionally, this report seeks a Council resolution to adopt the Precinct development controls Plan (Precinct DCP controls) as an amendment to the Holroyd DCP 2013.

The Cumberland Independent Hearing and Assessment Panel (IHAP), at the meeting of 14 February 2018, resolved to recommend to Council that the Planning Proposal and the draft Precinct DCP amendment be finalised.

RECOMMENDATION

That Council:

1. **Adopt the Planning Proposal (15 August 2016) as exhibited, for the Merrylands Station and McFarlane Street Precinct, Merrylands, and proceed with the finalisation of the associated amendment to the Holroyd LEP 2013 in conjunction with the NSW Department of Planning and Environment.**
2. **Amend Figure 2 on page 7 of the draft Precinct DCP controls as follows:**
 - i) **Public open space to be shown on the plan to be consistent with Figure 3 at page 8.**
 - ii) **Amend the legend to add a new blue arrow titled Pedestrian Link.**
 - iii) **Amend the plan to delete the black arrow and to include the blue arrow titled Pedestrian Link on the public open space over the new Civic Square.**
3. **Adopt the draft Precinct DCP controls (prepared October 2016) as exhibited and incorporating the amendment to Figure 2 per Recommendation 2 above, for the Merrylands Station and McFarlane Street Precinct, Merrylands, as an amendment to the Holroyd DCP 2013.**

REPORT

A Planning Proposal, seeking amendments to planning controls under Holroyd Local Environment Plan (LEP) 2013 for the Merrylands Station and McFarlane Street Precinct (the Precinct), was lodged with the Department of Planning and Environment (DP&E) in May 2016 for Gateway Determination. More detailed draft development controls for the Precinct, which would form an amendment to the Holroyd Development Control Plan (DCP) 2013, were also prepared to support the proposed amendments.

The intent of the Planning Proposal is not to increase the overall planned density within the Precinct but to provide greater flexibility to deliver the current floor space potential through adjusted building heights to improve building design and planning outcomes.

Site and Location

The area subject to the Planning Proposal includes land bounded by McFarlane Street, Merrylands Road, Treves Street, Terminal Place and the railway line (refer Figures 1 and 2 below). The Precinct consists of a mix of small businesses including

services, retail, cafes and, restaurants; a car park; and the Merrylands Interchange bus terminus.

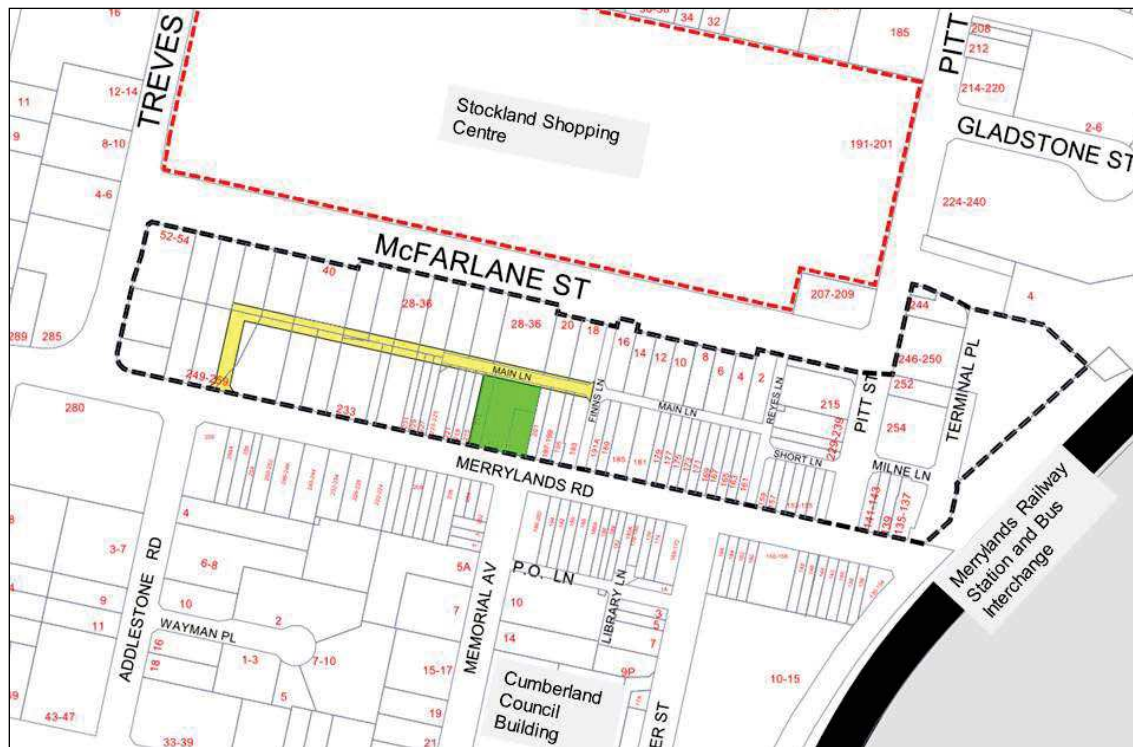


Figure 1: Locality Map of Precinct (Precinct bound in black dashed line)

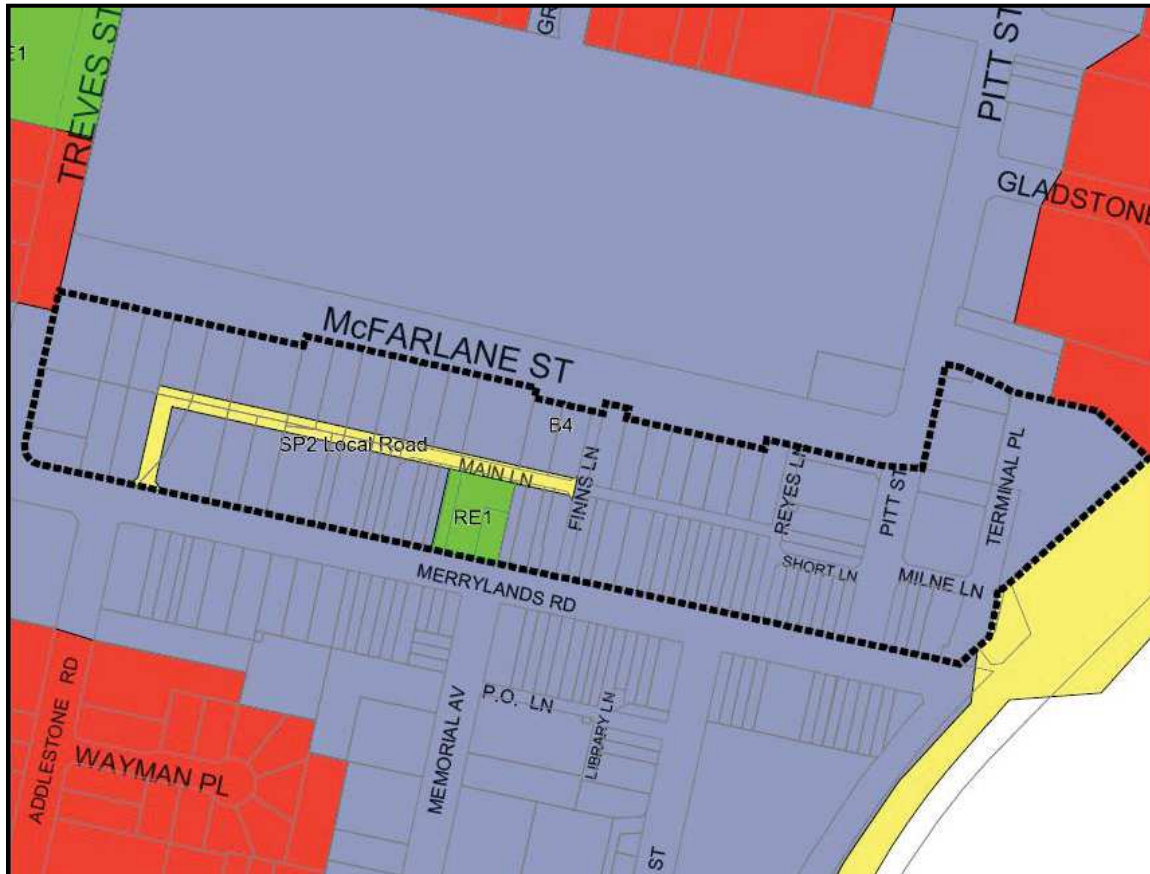


Figure 2: Proposed land use zones for Precinct (Precinct bound in black dashed line)

Background and History

Holroyd LEP 2013 (LEP) introduced a new planning framework for Merrylands Centre. However, Council became aware of a need to review height controls to allow the permissible floor space ratios, as provided under the LEP, to be reasonably achieved and achieve the planned growth for the area. Council engaged an external consultant to undertake the review and provide advice on those planning controls that may be appropriate to achieve a better built form outcome for the Precinct within the existing density controls.

This review and advice resulted in Council, at the time, resolving to prepare a Planning Proposal to amend the planning controls (including the application of design excellence provisions) for the Precinct (Attachment 1 and Attachment 2). Draft development controls for the Precinct, that would form an amendment to the Holroyd DCP 2013, (referred to in this report as the Precinct DCP controls) (Attachment 3) were also prepared in order to progress other recommendations of the review that were not able to be addressed through planning controls of the LEP. It was intended that the Precinct DCP controls would be progressed with the Planning Proposal in order to convey a clear and accurate intent of what is proposed for the Precinct.

A brief summary of the history of the Merrylands Station and McFarlane Street Precinct is provided in the table below (with a more detailed summary attached as Attachment 4):

20 October 2015	Council resolved to undertake an independent review of the Merrylands Station and McFarlane Street Precinct planning controls, with a view to providing greater flexibility in which to deliver the current floor space potential and improved planning and design outcomes.
22 December 2015	Councillor briefing. The project area is expanded to include properties on the northern side of Merrylands Road between Treves Street and Terminal Place.
1 March 2016	Council resolves to (amongst other things): <ul style="list-style-type: none"> • Undertake pre-Gateway consultation • Include the recommended Design Excellence controls including an FSR bonus of 0.5:1 (Council Report CCL009-16)
16 March 2016 to 13 April 2016	Public Exhibition (Community Consultation) – Pre-Gateway including community information sessions.
3 May 2016	Council resolves (summary): <ul style="list-style-type: none"> • To forward the Planning Proposal (as amended by Council) to the Department of Planning and Environment (DP&E) for a Gateway Determination.

	<ul style="list-style-type: none"> • To seek to exercise its plan making delegations. • A further report be provided to Council following the exhibition of the Planning Proposal. • Council pursue an agreement with Stockland in relation to the laneway through their site. <p>(Council report DCS014-16 – Attachment 5)</p>
17 May 2016	Planning Proposal lodged with DP&E for Gateway Determination.
15 August 2016	Gateway Determination received from DP&E subject to conditions
September-October 2016	Revised Planning Proposal prepared (amended per the Gateway Determination conditions) Draft development Controls – Development Control Plan prepared.
2 November 2016 to 30 November 2016	Community consultation of revised Planning Proposal (28 day exhibition) – post Gateway Determination Community consultation of associated draft Precinct DCP provisions (development controls).
8 February 2017	A public hearing held regarding the Planning Proposal following the community consultation (public exhibition) period (as required under the Gateway Determination).
14 February 2018	Review of submissions and report to Cumberland IHAP.

Public Exhibition – Post Gateway Determination

The public exhibition of the Planning Proposal was undertaken in accordance with the Gateway Determination. The public exhibition of the draft Precinct DCP was done in combination with the Planning Proposal exhibition.

The community consultation period for the Planning Proposal and draft Precinct DCP was from 2 November 2016 to 30 November 2016.

Public Authority Submissions

Four (4) submissions were received from public authorities, being Endeavour Energy, Roads and Maritime Services (RMS), Transport for NSW and Sydney Trains. None of these authorities raised an objection to the Planning Proposal or draft Precinct DCP provisions, but did include a range of matters to be considered as part of any future development application. Details of the matters raised in the public authority submission and the Council response is provided in the Cumberland Independent Hearing and Assessment Panel (IHAP) report of 7 February 2018 (at Attachment 6).

Community Submissions

A total of five (5) submissions were received by Council from the community. Three (3) submissions objected to the Proposal and two (2) submissions generally supported the Proposal but sought changes to increase allowable gross floor area (i.e. to increase the FSR control). Three (3) of the five (5) submissions received were

from property owners in the area. A summary of the issues that can reasonably be considered under the Planning Proposal are summarised briefly below:

Submission issue: strongly supported the proposed changes, and raised a number of matters with specific reference to Site 9 including design excellence, and concerns regarding reduction of FSR and loss of Gross Floor Area

Response: A number of these issues were raised previously, and Council undertook additional testing and calculations as part of the consideration of these issues, the outcomes of which were addressed in the Council report following the pre-Gateway exhibition (see also Attachment 5).

Submission issue: submission supported the overall outcome of the planning proposal and design excellence provisions, however did not support the reduction in the base FSR for Site 15 from 7.5:1 to 7.0:1.

Response: increasing the FSR as well as the building heights will result in taller buildings with similar bulk that results under the current controls. The intention of the LEP review, the proposed increased heights and the design excellence provisions is to require a certain standard of development, resulting in better design outcomes for the Merrylands Centre (Refer to Attachment 6 for further discussion of this issue).



Figure 3: Location of Site 9 and Site 15

Submission issue: Increases in vehicular traffic and inadequate public transport provision

Response: The proposed traffic network within the Precinct has been designed in accordance with the traffic study recommendations. The current amendments will not result in increased density within the precinct. Detailed traffic modelling and analysis for each development proposed will be required at the DA stage (adding a further layer of detail to the traffic modelling already undertaken for the Precinct and Merrylands Centre as a whole). The RMS raised no issues in their submission, however detailed consultation with the RMS will be required at DA stage. In terms of public transport provision, Council continues to regularly advocate for improvements to public transport, both bus and rail, across Cumberland.

Submission issue: Changing the character of the area and appropriateness of the building heights

Response: The gazettal of the Holroyd LEP 2013 introduced a new planning framework for Merrylands Centre. The current Planning Proposal is the result of a review of height controls to achieve a better relationship between height and FSR controls, and better design outcomes. The proposed controls are considered appropriate for a central location within a centre of Merrylands' status both within Cumberland and the broader district.

Submission issue: Increases in population density

Response: The proposed amendments did not increase overall development density within the Precinct. The building height adjustments sought to achieve a better relationship with the existing FSR controls, as well as enhancing flexibility and improving design outcomes for new buildings. Minor adjustments were made to FSR controls in certain circumstances such as where part of a site was designated for a new laneway. As such, the planning proposal will not result in population increases in this location, over what is currently permitted under Holroyd LEP 2013.

Submission issue: potential creation of wind tunnels, air and noise pollution arising from future development

Response: the draft controls in the DCP provide requirements and measures to avoid and mitigate any potential impacts that may arise from new developments under the proposed amended controls.

Submission issue: Whether enough services and infrastructure will support the resulting developments

Response: The Gateway Determination required consultation with a large number of state government agencies: Department of Education and Communities; Office and Environment and Heritage; Family and Community Services – Housing NSW; Endeavour Energy; Transport for NSW (as a whole, and specifically with Sydney Trains and the RMS); Sydney Water and Telstra. Endeavour Energy, Transport for NSW, Sydney trains and RMS all provided responses, stating specifically that they had no objection to the Planning Proposal.

Submission issue: Whether taller buildings will restrict solar access and cause overshadowing

Response: detailed modelling and analysis as undertaken as part of the review of the planning controls which commenced in late 2015. The building heights proposed seek to minimise unreasonable overshadowing impacts within the Precinct. The DCP also contains more detailed solar access provisions.

Submission issue: Who and what will determine “Design Excellence”?

Response: the Design Excellence guidelines exhibited with the Planning Proposal outlined the Design Excellence Application process. Under this process, prior to the lodgement of a Development Application (DA), a building design is required to be lodged and assessed against Council’s specified Design Excellence Criteria (also exhibited with the Planning Proposal). If the building design is assessed as having merit, a Certificate stating that the design meets those criteria is issued. This certificate must then be lodged with the documentation for a DA. Applications seeking to use the Design Excellence provisions will be assessed by the Cumberland Design Excellence Panel of qualified independent design experts. The members of this panel have not yet been determined by Council, and this will be the subject of a separate Council report.

Submission issue: the overall approach, extent and transparency of the public exhibition and community consultation

Response: Extensive community consultation was undertaken for this planning proposal as follows:

- the proposal was publicly exhibited for 28 days in accordance with the conditions of the Department and Planning’s Gateway Determination;
- exhibition documents (including the Draft Design Excellence Provisions and Draft DCP) were made available electronically and in hard copy in a number of locations across Cumberland, with the exhibition advertised in the local paper twice during the four week period;
- consultation with the required public authorities was also undertaken at this time;
- two community information sessions were held as part of the community consultation and public exhibition process. These sessions were run as a drop-in format, with Council officers available to answer questions and provide further information. People were encouraged to provide written submissions on any matter of interest or concern;
- a formal public hearing was also undertaken, in accordance with the Gateway Determination (details provided in subsequent section below); and
- additional non-statutory preliminary public consultation, prior to Gateway, was also undertaken in accordance with Council’s policy on planning proposal notification and consultation.

Details of the matters raised in the community submissions and the Council response is provided in the Cumberland IHAP report of 14 February 2018 (at Attachment 6).

Public Hearing

A Public Hearing on the Planning Proposal for the Merrylands Station and McFarlane Street Precinct was held (in accordance with the Gateway Determination) on 8 February 2017. The Public Hearing was facilitated on behalf of Council by an independent consultant. Six (6) attendees were listed on the attendance register for the event. The following matters were raised during the public hearing:

- Over development of Council land to maximise profits; differences in increased development potential of some sites and not others and potential rezoning of sites outside the Precinct.
- Concerns regarding overcrowding, amenity, traffic, and parking, of any resulting development.
- Application of Design Excellence.
- The notification methodology for the public exhibition and community consultation.

Details of the matters raised in at the public hearing and the Council response is provided in the Report of the Public Hearing at Attachment 8.

Post Exhibition Review of Planning Proposal and draft Precinct DCP post – exhibition

In consideration of the matters raised in the submissions of the public authorities and of the community members, and as raised at the public hearing and community information sessions, no changes to the Planning Proposal (and the nominated changes to planning controls) or to the draft Precinct DCP as exhibited are recommended or considered to be required.

Design Excellence

A new Design Excellence provision, as the new clause 6.11, was incorporated into the Holroyd LEP 2013 as part of Amendment 10 to the LEP (gazetted on 25 January 2018). This amendment was due to a separate Planning Proposal for a property in Wentworthville (being 42-44 Dunmore Street). The Design Excellence provision is also intended to apply to the Wentworthville Centre through a separate Planning Proposal process (in progress).

It is proposed that this overarching Design Excellence clause under Holroyd LEP 2013 will be applied to the Merrylands Station McFarlane Street Precinct. This will supersede the Design Excellence clause that was exhibited as part of the Planning Proposal for this Precinct. The details of how and when the Design Excellence bonus provisions apply to this Precinct need to be specified in the process of finalising the current Planning Proposal for the Precinct. Specifically, the application of design excellence in the Merrylands Centre is proposed to apply to buildings greater than 55m in height, whereas within the Wentworthville Centre, design excellence is proposed to include buildings greater than 30m in height. The difference is principally due to the fact that the Merrylands Centre can achieve higher building heights under LEP 2013 and is the major centre within the Cumberland LGA.

It is proposed that a new clause be included as an amendment to the Holroyd LEP 2013 to apply Design Excellence to this Precinct. The existing clause will also need to be amended to separate the Design Excellence provisions and its application to the Wentworthville property. This will be addressed as part of the finalisation process and through the drafting of the instrument to amend the LEP for the Precinct as undertaken by the Parliamentary Counsel Office.

A copy of clause 6.11 Design Excellence, as currently provided in the Holroyd LEP 2013, is provided at Attachment 7.

Cumberland Independent Hearing and Assessment Panel (IHAP)

The Cumberland IHAP, at its meeting of 14 February 2018 (item IH002/18) considered the report on the Merrylands Station and McFarlane Street Precinct Planning Proposal and Precinct DCP controls – post consultation report. The report to the Cumberland IHAP and the minutes of that meeting are provided at Attachment 6.

In its consideration of the report, the Cumberland IHAP members discussed the planning controls that have been proposed for the future City (Civic) Square located partly on the Council owned carpark at 26-38 McFarlane Street and the site of the Merrylands Arcade on 203-213 Merrylands Road. In particular, it was noted that southern portion of the future City Square fronting Merrylands Road is zoned RE1 Public Recreation with no Floor Space Ratio (FSR) or maximum height of buildings nominated, whilst the other northern portion of the future Civic Square, fronting McFarlane Street, is zoned B4 Mixed Use with an FSR and maximum height of building control nominated (refer Figure 4 for these two portions of the City Square).

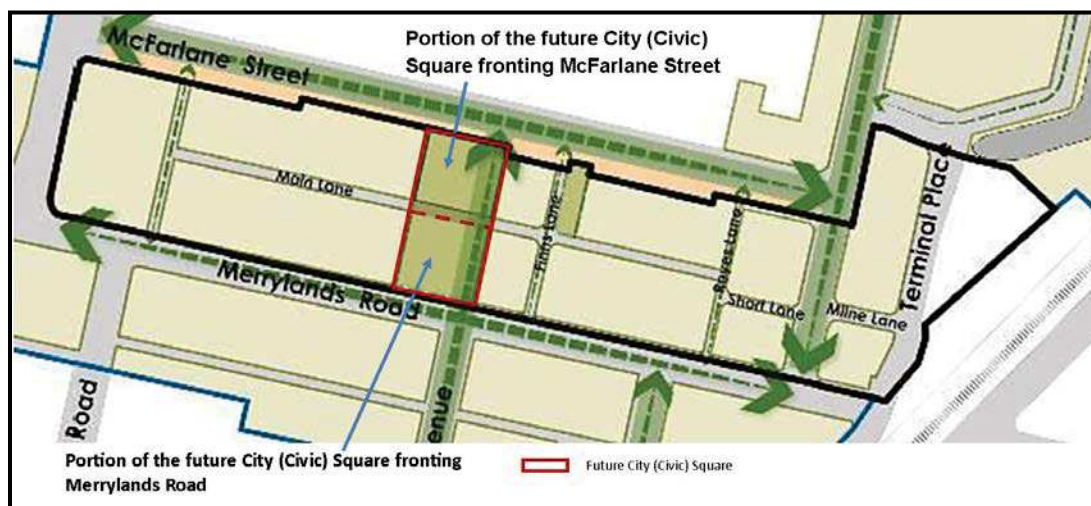


Figure 4: Location of the future Civic Square and the portions fronting Merrylands Road and fronting McFarlane Street

The reasoning for this difference of planning controls for these two (2) parts of the future City (Civic) Square, as discussed at the meeting and with reference to the previous planning for the Precinct, are:

- The northern portion, being the public carpark, is owned by Council. The southern portion is now owned by Council but was, at the time of the initial review and subsequent preparation of the Planning Proposal, yet to come into Council ownership.
- It is intended that the car parking requirement for any future development over the remainder of the existing Council car park site will be in part provided underneath (i.e. underground of) the future City Square. Substantial areas of car parking are prohibited within a RE1 Public Recreation zoning; but is 'permitted with consent' in a B4 Mixed Use zone. Therefore, if the northern portion was also zoned RE1 Public Recreation, the car parking places currently provided on this site could not be provided underground.
- If needed, the northern portion could be rezoned as RE1 Public Recreation at a later date, concurrent with car parking being supported through an Additional Permitted Use (APU) for the site. Both the rezoning and the APU would need to be progressed as an amendment to the Holroyd LEP 2013.
- It is not proposed to rezone the northern portion as RE1 Public Recreation at this time for the following key reasons:
 - Zoning RE1 Recreation for reservation as open space is not necessary, as Council has owned the land for many years, and public recreation is permitted in the B4 Mixed Use zone.
 - This would be a significant change to the Planning Proposal as exhibited and on which the Gateway Determination was issued. This significant change would require the Planning Proposal and associated maps to be revised, a new Gateway Determination sought from the DP&E, a new consultation process undertaken and further reporting to the Cumberland IHAP and Council. This would result in a delay of at least 4-6 months to the finalisation of the Planning Proposal and subsequent LEP amendment and would disadvantage other properties subject to the Planning Proposal.
 - This would prevent the possibility of basement car parking extending from the adjoining Council potential development site under any part of the civic square.
 - The benefit of the FSR currently attributed to it would be lost and as such the adjoining Council property would need to be increased, resulting in a further significant change to the Planning Proposal requiring re-exhibition.
- The intention of both the northern and southern portions to comprise the full City (Civic) Square is identified in the Planning Proposal and the Precinct DCP. However the Cumberland IHAP felt that a change to Figure 2 of the DCP, which provides the movement principles for the Precinct, could be amended to better reflect the public space and future use of this Square.

Subsequently, the Cumberland IHAP recommendation was as follows:

Resolved unanimously by the Cumberland Independent Hearing and Assessment Panel (CIHAP) that the Cumberland Independent Hearing and Assessment Panel (IHAP) recommend that Council:

- 1. Endorse the Merrylands Station and McFarlane Street Precinct Planning Proposal (as exhibited) and proceed with finalisation of the LEP amendment.*

2. Adopt the development controls for the Merrylands Station and McFarlane Street Precinct, as exhibited, as an amendment to the Holroyd DCP 2013 subject to the amendments in paragraph 3 below;

3. Figure 2 on page 7 of the Draft DCP be amended as follows:

- i. Public open space to be shown on the plan to be consistent with figure 3 at page 8;*
- ii. Amend the legend to add a new blue arrow titled Pedestrian Link;*
- iii. Amend the plan to delete the black arrow and to include the blue arrow titled Pedestrian Link on the public open space over the new Civic Square.*

COMMUNITY ENGAGEMENT

This report addresses the public exhibition and community consultation undertaken and the submissions received for the Planning Proposal and Precinct Development Controls (DCP) for the Merrylands Station and McFarlane Street Precinct. The consultation undertaken was in accordance with the Gateway Determination and legislative requirements.

Upon Council resolution to finalise this Planning Proposal, the required documentation will be prepared and forwarded to the NSW Department of Planning and Environment. The LEP amendment will be finalised and come into effect on the date that it is published on the NSW Legislation website.

The amended Precinct DCP, as an amendment to the Holroyd DCP 2013 will be finalised by Council officers. It is recommended that it come into force on the same date that the LEP amendment is published. Following that publication of the LEP amendment, notices will be placed in local newspapers to confirm the date on which the DCP amendment came into effect.

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

POLICY IMPLICATIONS

This report recommends that Council adopt the Planning Proposal and to progress to finalisation the amendment to Holroyd LEP 2013 for the Precinct. This will comprise the amendment to the planning controls, as well as the amendment to clause 6.11 Design Excellence.

This report also recommends that Council adopt the Precinct DCP (development controls) as an amendment to the Holroyd DCP 2013. This DCP amendment would come into force on the same date as the LEP amendment comes into force.

RISK IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The consultant and other costs associated with this Planning Proposal occurred in previous financial years. The proposal includes reservations in the LEP for a civic square and laneway extensions. These are infrastructure items identified in the current Holroyd Section 94 Plan 2013 to be funded by development contributions and the civic square land has been purchased in the meanwhile. There are no new financial implications for Council associated with this report.

CONCLUSION

This report provides an overview of the Planning Proposal to amend the Holroyd LEP, and the associated Precinct DCP controls, for the Merrylands Station and McFarlane Street Precinct. It provides an update on the status of the Planning proposals and Precinct DCP controls, the detailed planning work leading up to the preparation of the documents as well as the intent of the planning control changes and outcome to be achieved. It also outlines the public exhibition undertaken, submissions received, responses to those submissions, and the intended application of Design Excellence to the precinct to encourage improved design and built forms.

All aspects of the public exhibition were undertaken as required by the Gateway Determination. In addition to the usual post-Gateway consultation undertaken, a formal public hearing (required by the Gateway Determination in this instance) was also undertaken. Two community information sessions that were additional to the consultation mandated by the Gateway Determination were also held as part of the exhibition phase. The agencies that responded to the exhibition raised no objection to the planning proposal or draft DCP. Whilst a number of the issues raised in submissions received were raised previously, responses were provided as part of this report to acknowledge the ongoing concerns and to ensure issues raised were appropriately addressed.

A review of the planning proposal and associated planning controls, in light of the submission issues, and through internal analysis resulted in no changes to the Planning Proposal being required or recommended. **A minor amendment was made to the draft Precinct DCP to achieve greater clarity around the Merrylands (Civic) Square, as recommended by the Cumberland IHAP,** without changing the intent of these controls. Both the Planning Proposal and Draft Precinct DCP are consistent with the resolutions of the former Holroyd City Council. The Cumberland IHAP on 14 February 2018 recommended that no further changes be made to the Planning Proposal and the associated planning controls, and that this be progressed.

All statutory requirements have been met and the Planning Proposal and precinct DCP are now ready for formal consideration by Council. The resultant planning framework is a key aspect in the revitalisation of the Merrylands Centre, together with the delivery of major capital work (notably stormwater/drainage works) and the strategic property negotiations and decisions. This report recommends that Council adopt the Planning Proposal and Precinct DCP controls, so that the planning framework for this key precinct can be finalised.

ATTACHMENTS

1. Planning Proposal (revised post Gateway Determination) for Merrylands Station and McFarlane Street Precinct, Merrylands.
2. LEP amendment maps for Zoning, Floor Space Ratio (FSR), Height of Buildings (HOB), Design Excellence and Land Reserved for Acquisition (LRA).
3. Draft Precinct DCP (Development Controls) - Merrylands Station & McFarlane Precinct, Merrylands - revised October 2016.
4. Detailed summary - background of planning the Precinct.
5. Council Report (Item DCS014-16) and minutes of 3 May 2016.
6. Cumberland IHAP Report (Item IH002/18) and minutes of 14 February 2018.
7. Design Excellence clause (Clause 6.11) of the Holroyd LEP 2013.
8. Report of the Public Hearing

Minutes of the Ordinary Council Meeting 18 April 2018

Meeting commenced at 6.32pm

Present:

Greg Cummings (Mayor)	Councillor
Eddy Sarkis (Deputy Mayor)	Councillor
Ned Attie	Councillor
George Campbell	Councillor
Steve Christou	Councillor
Glenn Elmore	Councillor
Paul Garrard	Councillor
Ross Grove	Councillor
Kun Huang	Councillor
Lisa Lake	Councillor
Suman Saha	Councillor
Michael Zaiter	Councillor
Tom Zreika	Councillor
Hamish McNulty	Acting General Manager
Brendan Govers	Acting Deputy General Manager - Environment & Infrastructure
Brooke Endycott	Acting Deputy General Manager - Corporate & Community

Also Present:

Adrian Burns	Group Manager Parks & Recreation
Monica Cologna	Manager Strategic Planning
Todd Hopwood	Manager Governance & Risk
Carol Karaki	Governance Coordinator

Opening Prayer

The opening prayer was here read by Sheik Dr. Abdurrahman Asaroglu from Auburn Gallipoli Mosque.

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

Apologies

Councillor Hamed was noted as an apology as Leave of Absence was granted at the Ordinary Council Meeting held on the 7th of March 2018.

Resolved (Zaiter/Sarkis)

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

Declarations of Pecuniary & Non Pecuniary Conflicts of Interest

There were no declarations of interest.

Min. 111 Confirmation of Minutes:**Resolved (Sarkis/Saha)**

That the Minutes of the Ordinary Council Meeting held on 4 April 2018 be adopted.

Min.112 Suspension of Standing Orders**Resolved (Sarkis/Huang)**

That in accordance with Clause 1.6(2) of the Code of Meeting Practice, Council suspend standing orders to allow Item C04/18-63 to be addressed in the meeting following Public Forum.

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

Speaker	Item #	Suburb
Rev. Graham Nathan	C04/18-63 – Adoption of the Community	Auburn
L Guy (BA; h.Dip)	Engagement Policy	
Ms. Di Jogia	C04/18-63 – Adoption of the Community	Merrylands
	Engagement Policy	

Min.113 C04/18-63 Adoption of the Community Engagement Policy**Resolved (Sarkis/Elmore)**

That Council:

1. Adopt the Community Engagement Policy as amended.
2. Notify those who made a submission of Council's decision.

Min.114 Suspension of Standing Orders

Resolved (Sarkis/Elmore)

That in accordance with Clause 1.6(2) of the Code of Meeting Practice, Council suspend standing orders to allow Item C04/18-65 to be addressed in the meeting following Public Forum.

Public Forum:

Speakers on Items on the Council Meeting Agenda

Speaker	Item #	Suburb
Ms. Di Jogia	C04/18-65 – Draft Operational Plan 2018/19 including the Budget, Capital Works Program, Pricing Policy and Register of Fees and Charges	Merrylands

Min.115 C04/18-65 Draft Operational Plan 2018/19 including the Budget, Capital Works Program, Pricing Policy and Register of Fees and Charges

Resolved (Lake/Saha)

That Council:

1. Endorse the Draft Operational Plan 2018/19 for public exhibition and engagement for a period of 28 days subject to the addition of the Sydney Murugan Temple at 217 Great Western Highway, Mays Hill NSW 2145 and the Auburn Gallipoli Mosque to the map on page 11 and landmarks table on page 13 of the Draft Operational Plan 2018/19.
2. Endorse the Draft Register of Fees and Charges for public exhibition and engagement for a period of 28 days, subject to the following amendments:
 - a) Merrylands, Guildford, Wentworthville and Granville Swimming Centres (pg. 52 of the Fees and Charges)
General Public
Line 2 amended to read as follows:
Pensioners, Seniors Card holders and Children (under 18 yrs.)

- b) Wherever the word pensioners appears on page 52 of the Fees and Charges, it is to include, seniors card holders.
- c) Free entry be provided for pensioners and seniors card holders on Tuesdays at Merrylands, Guildford, Wentworthville and Granville Swimming Centres.
- d) Delete the words “without a history of responsible usage or” from the Additional Charges For All Facilities section on page 47 of the Fees and Charges.

Councillor Christou left the Meeting at 07:05pm and returned at 07:06pm during the consideration of this item.

Councillor Zreika left the Meeting at 07:40pm and returned at 07:43pm during the consideration of this item.

Min.116 Resumption of Standing Orders**Resolved (Sarkis/Huang)**

That in accordance with Clause 1.6(2) of the Code of Meeting Practice, Council resume the normal order of business.

Min.117 Items by Exception**Resolved (Sarkis/Huang)**

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

That item numbers C04/18-61, C04/18-62 and C04/18-66 be moved in bulk.

The motion on being Put was declared CARRIED.

Min.118 C04/18-61 Investment Report March 2018**Resolved (Sarkis/Huang)**

That the Investment Report March 2018 be received.

Min.119 C04/18-62 Draft Related Party Disclosure Policy**Resolved (Sarkis/Huang)**

That Council place the draft Related Party Disclosure Policy as submitted on public exhibition for a period of 28 days.

**Min.120 C04/18-66 Cumberland Heritage Committee - Minutes of Meeting
Held 19 March 2018**

Resolved (Sarkis/Huang)

That Council:

1. Receive the minutes of the Cumberland Heritage Committee meeting held on 19 March 2018.
2. Note the financial implications of the Committee's recommendations, being an additional \$9,700 in the Strategic Planning Unit's budget. The provision of such would need to be considered by Council after the exhibition of the Draft 2018/2019 budget
3. Endorse the following specific recommendations of the Cumberland Heritage Committee as detailed in those minutes:
 - i) the proposed amendments to the Cumberland Heritage Committee Terms of Reference (Tore);
 - ii) the seeking of nominations for members for the Holroyd, Granville and Auburn Local Heritage Committees, as Sub-committees reporting to the Cumberland Heritage Committee, with a commensurate budget adjustment to the FY18/19 budget, should these committees proceed;
 - iii) the holding of a networking function with members of the former heritage Committees, representatives of historical societies operating within the LGA, and interested members of the general public; and
 - iv) the introduction of two (2) new categories to the Cumberland Local Heritage Awards.
4. Adopt the Cumberland Local Heritage Awards guidelines as amended.
5. Undertake the Cumberland Local Heritage Awards in 2018 per the Guidelines (as amended).
6. Adopt the Cumberland Local Heritage Rebate program Guidelines as amended.
7. Undertake the Cumberland Local Heritage Rebate Program in 2018, per the Guidelines (as amended), with a total budget of \$20,000 for FY2018/19.
8. Commit \$50,000 to the Rebate Program for the 2019 program – to be allocated within the FY2019/20 budget.

Min.121 C04/18-64 Finalisation of the Merrylands Station and McFarlane Street Precinct Planning Proposal and Precinct DCP Controls**Resolved (Attie/Elmore)**

That Council:

1. Adopt the Planning Proposal (15 August 2016) as exhibited, for the Merrylands Station and McFarlane Street Precinct, Merrylands, and proceed with the finalisation of the associated amendment to the Holroyd LEP 2013 in conjunction with the NSW Department of Planning and Environment.
2. Amend Figure 2 on page 7 of the draft Precinct DCP controls as follows:
 - i) Public open space to be shown on the plan to be consistent with Figure 3 at page 8.
 - ii) Amend the legend to add a new blue arrow titled Pedestrian Link.
 - iii) Amend the plan to delete the black arrow and to include the blue arrow titled Pedestrian Link on the public open space over the new Civic Square.
3. Adopt the draft Precinct DCP controls (prepared October 2016) as exhibited and incorporating the amendment to Figure 2 per Recommendation 2 above, for the Merrylands Station and McFarlane Street Precinct, Merrylands, as an amendment to the Holroyd DCP 2013

Carried Unanimously

Councillor Sarkis left the Meeting at 07:50pm during the consideration of this item.

Councillor Saha left the Meeting at 07:53pm and returned at 07:59pm during the consideration of this item.

Councillor Christou left the Meeting at 07:59pm and returned at 08:00pm during the consideration of this item.

C04/18-65 Draft Operational Plan 2018/19 including the Budget, Capital Works Program, Pricing Policy and Register of Fees and Charges

This item was dealt with earlier in the meeting.

C04/18-66 Cumberland Heritage Committee - Minutes of Meeting Held 19 March 2018

This item was dealt with earlier in the meeting.

Min.122 C04/18-67 Granville Park - New multi-use community sports pavilion**Motion (Christou/Attie)**

That Council:

1. Complete a new Plan of Management with Landscape Masterplan for Granville Park, Granville; and
2. Commit project funding of \$8,000,000 from the Woodville Reserve to building a new multi-use community sports pavilion with function facilities to replace the current structure at Granville Park, Granville.
3. Investigate funding options for the shortfall from the maximum of \$10.74 million, and if funding of the shortfall is not obtained, the project will need to be amended to fit the available budget.
4. Reserve the remaining funds in the Woodville Reserve for expenditure for the benefit of the South Granville Area.

Amendment (Garrard/Sarkis)

That Council defer the matter for discussion amongst the ward Councillors.

The amendment moved by Councillor Garrard, seconded by Councillor Sarkis 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: Garrard and Sarkis

Councillor(s) Against the Amendment: Cummings, Attie, Zreika, Zaiter,
Elmore, Huang, Lake, Christou,
Campbell, Grove and Saha

The Motion moved by Councillor Christou, seconded Councillor Attie on being Put was declared Carried.

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

Councillor(s) For the Motion: Cummings, Attie, Zreika, Zaiter,
Elmore, Huang, Lake, Christou,
Campbell, Grove and Saha

Councillor(s) Against the Motion: Garrard and Sarkis

Councillor Sarkis returned to the Meeting at 08:12pm during the consideration of this item.

C04/18-68 Question on Notice

The Question on Notice was answered in the Business Paper of the Ordinary Meeting of Council – 18 April 2018.

The Mayor closed the meeting at 08:50pm.

Chairperson_____ Acting General Manager_____