
Min.755 Suspension of Standing Orders**Resolved (Attie/Hamed)**

That in accordance with Clause 8.2 of the Code of Meeting Practice, Council suspend standing orders to allow Item C07/20-501 to be brought forward for consideration at this time of the Meeting.

Min.756 C07/20-501 Cumberland Local Environmental Plan - Post Exhibition Report on new Planning Controls for Cumberland City

Note: Councillors Sarkis and Zreika exited the Chamber at 7:12pm and returned to the Chamber at 8:30pm following the consideration of this item as they had declared a pecuniary interest in this item.

Motion (Attie/Garrard)

That Council:

1. Note the submissions received prior to, during and immediately following the public exhibition period for the new Cumberland Local Environmental Plan.
2. Note the advice from the Cumberland Local Planning Panel on the planning proposal for the new Cumberland Local Environmental Plan
3. Endorse the planning controls for Cumberland City, as provided at Attachment 1, which were included in the draft planning proposal for the Cumberland Local Environmental Plan including the following additions;
 - a. Include the land use “home businesses” as permitted with consent in the RE1 Public Recreation and RE2 Private Recreation zones.
 - b. Include the land use “residential flat buildings” as permitted with consent in the B2 Local Centre & B4 Mixed Use zones.
 - c. Amend the minimum lot size for attached dual occupancies from current controls in the R2 Low Density Residential zone to 550 square metres & R3 Medium Density Residential zone to 530 square metres and allow Torrens Title Subdivision for dual attached occupancies.
 - d. Include a minimum lot size for detached dual occupancies in the R2 Low Density Residential & R3 Medium Density Residential zones to reflect 600 square metres and allow Torrens Title Subdivision for detached dual occupancies.
 - e. Include the ALEP 2010 Floor Space Ratio controls for the R2 Low Density Residential zone.
 - f. Allow an increase to the existing HOB controls in the R4 High Density Residential, B2 Local Centre & B4 Mixed Use zones of an additional 7 metres (2 additional levels) for all proposed developments whereby the

Affordable Housing component (in accordance with State Environmental Planning Policy (Affordable Rental Housing) 2009) is 50% or more and an increase of 3.5 metres (1 additional level) where the Affordable Housing component is less than 50%. (Development must be for a land use of Shop Top Housing, Residential Flat Buildings or Boarding Houses only where permissible).

- g. Allow an increase to the existing HOB controls in the B1 Neighbourhood Centre and R3 Medium Density Residential zones of approx. 3.5 metres (1 additional Level) for all proposed developments containing an Affordable Housing component in accordance with the State Environmental Planning Policy (Affordable Rental Housing) 2009. (Development must be for a land use of Boarding Houses or Shop top Housing only where permissible).
4. Endorse the planning controls for places of public worship, as provided at Attachment 5, which were included in the draft planning proposal for the Cumberland Local Environmental Plan.
5. Endorse the planning controls for Cumberland City, as provided at Attachment 7, which reflect proposed general amendments following public exhibition.
6. Endorse the planning controls for Cumberland City, as provided in Attachment 8, which reflect proposed site specific amendments following public exhibition including the following;
 - a. 2 Ruth Street and 6 Burnett Street Merrylands to be zoned B1 Neighbourhood Centre with existing HLEP FSR and Height controls to adjoining B1 Zoned properties.
7. Note all other site specific requests received as part of the process for the new Cumberland Local Environmental Plan.
8. Endorse the strategic planning work program for 2020/21 and 2021/22 on Cumberland City's key centres and strategic corridors, as provided in Attachment 12.
9. Prepare a planning proposal for each of the key centres and strategic corridors identified in the strategic planning work program as provided in Attachment 12, with the following activities to be undertaken prior to further reports being considered by Council:
 - a. Completion of background analysis
 - b. Early community consultation on the planning proposal
 - c. Preparation of draft planning proposal
 - d. Preparation of draft planning controls associated with the planning proposal
 - e. Consideration of draft planning proposal by the Cumberland Local Planning Panel

- f. Councillor briefings prior to early community consultation and prior to consideration by the Cumberland Local Planning Panel
- 10. Endorse the updated planning proposal for the new Cumberland Local Environmental Plan, as provided at Attachment 13.
- 11. Delegate to the General Manager the authorisation to make minor revisions to the planning proposal and supporting documentation, as necessary, following Council's deliberations, to ensure the desired objectives and intended outcomes can be achieved.
- 12. Forward the planning proposal for the new Cumberland Local Environmental Plan to the Department of Planning, Industry and Environment for finalisation, in line with agreed State Government milestones.
- 13. Note the Cumberland Local Environmental Plan will be published in the Government Gazette upon finalisation.

ADJOURNMENT

- 7:18pm** The Mayor, Councillor Christou adjourned the Meeting during the consideration of this item.
- 7:35pm** The Mayor, Councillor Christou resumed the Meeting and consideration of this item continued accordingly.

Amendment (Lake/Hamed)

Omit paragraphs 3 and 6 and instead insert paragraph 3 and 6 of the officer's recommendations subject to the following changes to paragraph 3:

- 1. Recommendation 3
Add words
"with the exception of
 - a) The land use tables for R2, B1, B2, B4, B5 and B6, (which should include Places of public worship as permitted with consent), and
 - b) Clause 6.15 relating to minimum lot size for development of a place of public worship in Zones R3 and R4, (which should be omitted)
- Also,
- 2. Recommendation 4
Omit and insert
"Permit places of public worship with consent in the land use tables for R2, R3, R4, IN1, IN2, B1, B2, B4, B5 and B6"
- 3. Recommendation 10
Add words
"With the exception of the paragraph headed "Places of Public Worship" on page 14 (BP Page 416), the paragraph headed "Places of public worship in Zones R3 and R4" on page 23 (BP page 425) and the final paragraph on page 44 (BP 446) (which should be omitted.)"
- 4. And any other consequential amendments required to give effect to the above.

The Amendment moved by Councillor Lake seconded by Councillor Hamed on being Put to the meeting 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: Elmore, Hamed, Huang, Lake and Saha.

Councillor(s) Against the Amendment: Attie, Campbell, Christou, Cummings, Garrard, Rahme and Zaiter.

The Motion moved by Councillor Attie seconded by Councillor Garrard on being Put was declared CARRIED on the casting vote of the Mayor.

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

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

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

Min.757 Motion of Expulsion

Note: Councillor Campbell referred to the Mayor, Councillor Christou as "Madame Mayor" on multiple occasions at this point of the meeting. The Mayor, Councillor Christou and the Deputy Mayor, Councillor Sarkis requested that Councillor Campbell apologise for the remarks made as the remarks were deemed insulting. Councillor Campbell advised that the remarks made were in accordance with Clause 7.1 of the Code of Meeting Practice and refused to apologise.

Resolved (Attie/Sarkis)

That Councillor Campbell be expelled from the meeting in accordance with Clause 15.16 of the Code of Meeting Practice.

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

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

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

Councillor Huang requested that this vote be clarified and that Councillor Campbell be returned to the Meeting via audio-visual link whilst it was being clarified.

Councillor Zreika left the Meeting at 8:34pm and returned to the Meeting at 8:43pm during the consideration of this item.