

Item No: C06/21-789

PROPOSED PLANNING CONTROLS FOR TARGETED SITES IN MERRYLANDS AND GUILDFORD

Responsible Division:	Environment & Planning
Officer:	Director Environment & Planning
File Number:	CS-219

SUMMARY

This report provides an overview of proposed planning controls for targeted sites in Merrylands and Guildford. The proposals respond to landowner proposals submitted during the preparation of the Cumberland Local Environmental Plan, as well as new proposals prepared by Council officers as part of strategic planning for the area.

Early consultation (pre-Gateway) on proposed planning controls for targeted sites in Merrylands and Guildford has been sought and a range of submissions received. The proposal has also been considered by the Cumberland Local Planning Panel.

It is recommended that Council endorse the proposed planning controls for targeted sites in Merrylands and Guildford. Subject to Council endorsement, the planning proposal will be forwarded to the Department of Planning, Industry and Environment for a Gateway Determination. Following receipt of a Gateway Determination, consultation on the Planning Proposal, draft Development Control Plans and draft Public Domain Plan will be undertaken with the community. A further report will then be provided to Council.

RECOMMENDATION

That Council:

- 1. Note the advice of the Cumberland Local Planning Panel on the draft Planning Proposal for targeted sites in Merrylands and Guildford.**
- 2. Endorse the proposed planning controls for targeted sites in Merrylands and Guildford, as outlined in this report and provided at Attachments 1 to 5.**
- 3. Endorse that the Planning Proposal for targeted sites in Merrylands and Guildford, and the Planning Proposal for Victor Brazier Park, Guildford, be forwarded to the Department of Planning, Industry and Environment for a Gateway Determination.**
- 4. Endorse that the draft Development Control Plan amendments for identified locations in the Merrylands Town Centre be publicly exhibited in accordance with statutory and policy requirements.**

5. **Endorse that the draft Public Domain Plan for the Merrylands Town Centre be publicly exhibited in accordance with policy requirements.**
6. **Note that the Planning Proposal for targeted sites at Merrylands and Guildford will be publicly exhibited at the same time as the draft Development Control Plan and draft Public Domain Plan.**
7. **Note that a public hearing regarding the reclassification land from community to operational, as identified in the Planning Proposal for Victor Brazier Park, Guildford, is anticipated to be required as part of the post-Gateway consultation process, consistent with statutory requirements.**

REPORT

Background

On 15 July 2020, following public exhibition and consideration of submissions, Council endorsed an updated Planning Proposal for the new Cumberland LEP to be forwarded to the Department of Planning, Industry and Environment for legal drafting and finalisation. At the time, Council resolved to include further consideration of planning controls for sites in Merrylands and Guildford as part of its strategic work program for key centres and strategic corridors.

In September 2020, Council considered a number of additional submissions received from local stakeholders on the draft Cumberland LEP, including site-specific proposals at Burnett Street Neighbourhood Centre and Wayman Place, Merrylands, and Marian Street/Bury Road, Guildford. Whilst Council endorsed the proposals to be included in the Cumberland LEP, the Department of Planning, Industry and Environment indicated a separate process will need to be undertaken to progress these proposals.

The planning proposal also includes proposals prepared by Council officers as part of strategic planning for the Merrylands area, including Merrylands Road between Burnett Street and Chetwynd Road, and east of the station.

Planning Context

As outlined in Cumberland 2030: Our Local Strategic Planning Statement, a high-level strategic planning work program has been identified to progress more detailed planning for Cumberland City's key centres and strategic corridors. Since the preparation of this high-level program, Council officers have further considered the scope and implementation approach for this planning work.

In July 2020, Council endorsed the strategic planning work program for Cumberland City's key centres and strategic corridors (Figure 1). The focus of this work is to review the existing planning framework and consider future requirements to ensure that planning controls are appropriate to support development in the area. Site specific requests received as part of the Cumberland LEP process may be further considered as part of this program.

Planning for the Merrylands and Guildford areas is identified as part of Stage 3 of Council's strategic planning work program. To date, background analysis, early

consultation, Councillor briefings and the preparation of draft planning controls have been undertaken.

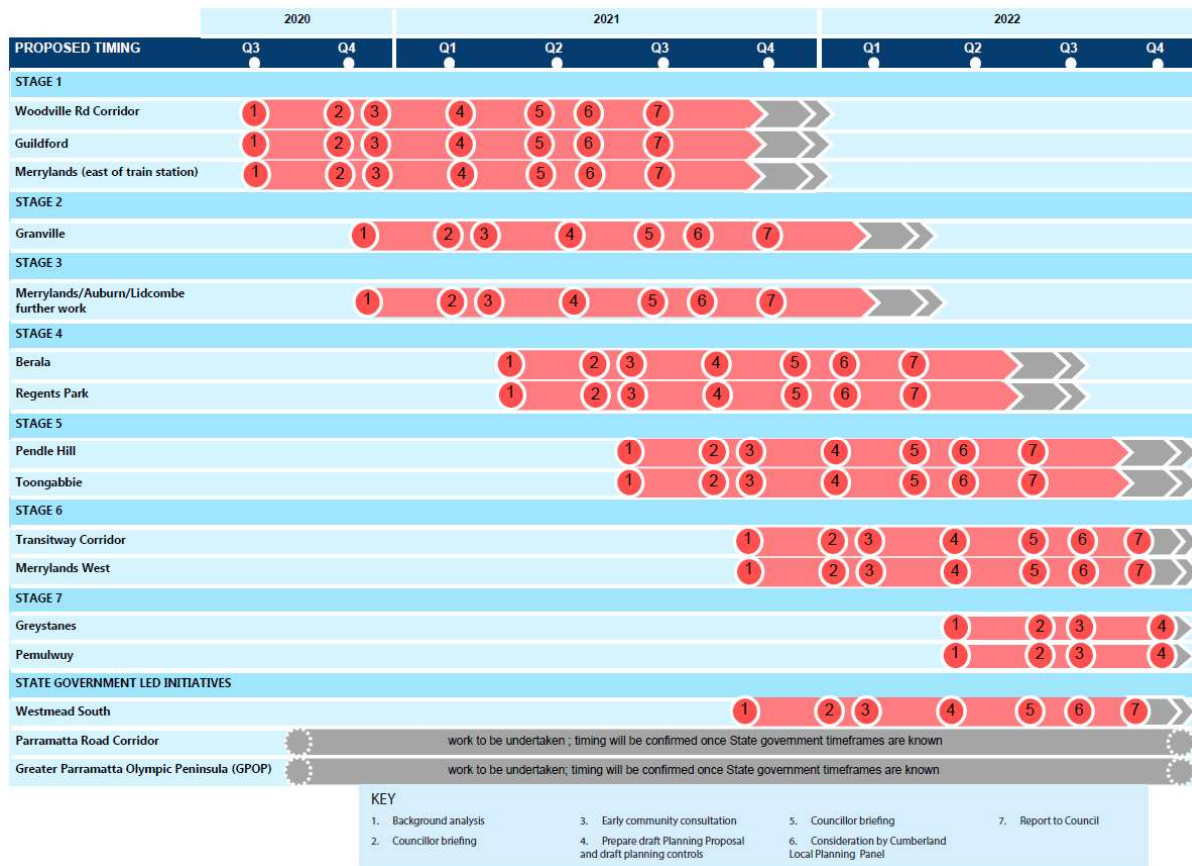


Figure 1 – Council's strategic planning work program

Targeted Planning Approach

The planning approach for the proposal (Figures 2 to 4) is to implement targeted changes to planning controls at the following locations:

- Burnett Street Neighbourhood Centre, including 6 Burnett Street, 2 Ruth Street and 2 Fowler Road, Merrylands
- Merrylands Road, Merrylands (between Burnett Street and Chetwynd Road)
- 7-10 Wayman Place, Merrylands
- Merrylands Road, Merrylands (east of station)
- 32-34 Marian Street and 2A Bury Road, Guildford
- Victor Brazier Park, Guildford

Where no changes are proposed, the existing planning controls will continue to apply.

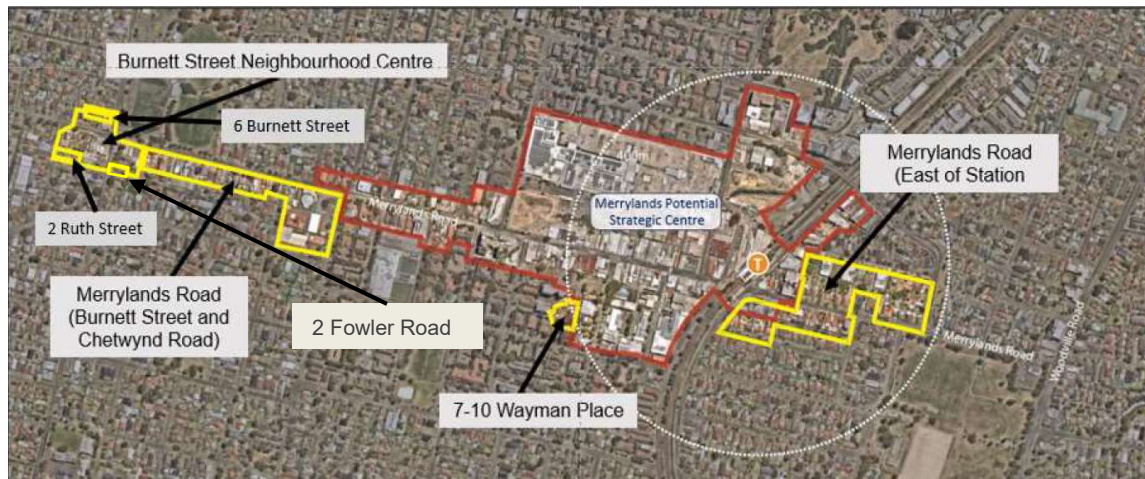


Figure 2 – Targeted planning control changes in the Merrylands area



Figure 3 – Targeted planning control changes in the Guildford area

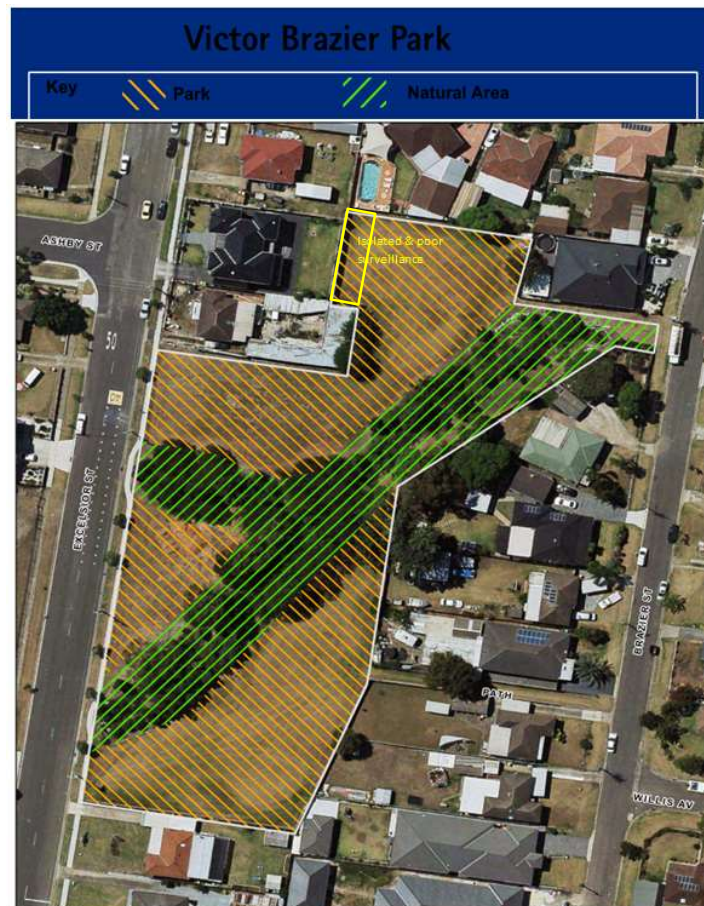


Figure 4 – Targeted planning control changes for Victor Brazier Park, Guildford

Proposed Planning Controls

Planning Proposal

The planning proposal seeks to amend the Cumberland LEP as follows:

- For the *Burnett Street Neighbourhood Centre*, amend zoning, height and density controls to reconcile minor anomalies in the context of surrounding land, to support mixed use development as part of the neighbourhood centre offering services and local job opportunities.
- For *Merrylands Road, Merrylands* (between Burnett Street and Chetwynd Road), amend zoning, height and density controls to support revitalisation and transition of built form between Burnett Street Neighbourhood Centre and Merrylands Town Centre.
- For *7-10 Wayman Place*, amend building height and density controls to support redevelopment aligned with controls at surrounding sites.
- For *Merrylands Road, Merrylands* (east of station), amend building height and density controls to support revitalisation and transition of built form between Merrylands Town Centre and Woodville Road Corridor.
- For *32-34 Marian Street and 2A Bury Road, Guildford*, amend zoning, height and density controls to facilitate high density residential development consistent with adjoining high-density area.

- For *Victor Brazier Park*, reclassify land from ‘community to ‘operational’, and amend zoning and height controls, to discourage anti-social behaviour reported in part of the park directly adjoining residential with poor casual surveillance.

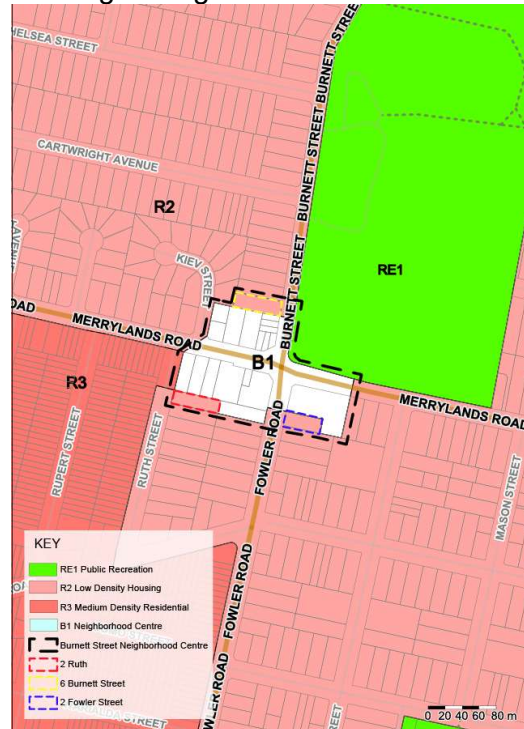
Further details of the planning proposal for Merrylands and Guildford are provided in Table 1. These are also shown graphically in Figures 5 to 10.

Site	Proposed Amendments
Burnett Street Neighbourhood Centre, Merrylands	<ul style="list-style-type: none"> • Amend the Land Zoning Map – Sheet LZN_006 and Sheet LZN_009 to extend Zone B1 Neighbourhood Centre to include adjoining sites at 6 Burnett Street, 2 Ruth Street and 2 Fowler Road, Merrylands. • Amend the Height of Buildings Map – Sheet HOB_006 and Sheet HOB_009 to apply a 17 m height limit for the Burnett Street Neighbourhood Centre (including 6 Burnett Street, 2 Ruth Street and 2 Fowler Road, Merrylands). • Amend the Floor Space Ratio Map – Sheet FSR_006 and Sheet FSR_009 to apply a 2:1 FSR for the Burnett Street Neighbourhood Centre (including 6 Burnett Street, 2 Ruth Street and 2 Fowler Road, Merrylands).
Merrylands Road, Merrylands (between Burnett Street and Chetwynd Road)	<ul style="list-style-type: none"> • Amend the Land Zoning Map – Sheet LZN_009 to rezone land on the southern side of Merrylands Road between Burnett Street and Chetwynd Road to facilitate a mix of medium density (Zone R3) and higher density (Zone R4) residential development. • Amend the Height of Buildings Map – Sheet HOB_009 to align building heights with proposed zones and surrounding development. • Amend the Floor Space Ratio Map – Sheet FSR_009 to align density with proposed zones and surrounding development.
7-10 Wayman Place, Merrylands	<ul style="list-style-type: none"> • Amend the Height of Buildings Map – Sheet HOB_009 to support a transition of built form aligned with surrounding development. • Amend the Floor Space Ratio Map – Sheet FSR_009 to better align density with proposed building heights and surrounding development.
Merrylands Road, Merrylands (east of station)	<ul style="list-style-type: none"> • Amend the Land Zoning Map – Sheet LZN_009 to rezone land along the northern side of Albion Avenue to facilitate higher density (Zone R4) residential development, consistent with adjoining sites. • Amend the Height of Buildings Map – Sheet HOB_009 to better align building heights with existing zones and surrounding development, and apply a 15 m height limit for land proposed to be zoned R4 High Density Residential at Albion Avenue. • Amend the Floor Space Ratio Map – Sheet FSR_009 to better align density with proposed zones and building heights, and apply a 1.2:1 FSR for land proposed to be zoned R4 High Density Residential at Albion Avenue.
32-34 Marian Street and 2A Bury Road, Guildford	<ul style="list-style-type: none"> • Amend the Land Zoning Map – Sheet LZN_009 to rezone 32-34 Marian Street and 2A Bury Road, Guildford, to facilitate high density (Zone R4) residential development.

Site	Proposed Amendments
	<ul style="list-style-type: none"> • Amend the Height of Buildings Map – Sheet HOB_009 to apply a 14m height limit for land zoned, and proposed to be zoned, R4 High Density Residential at 32-34 Marian Street and 2A Bury Road, Guildford. • Amend the Floor Space Ratio Map – Sheet FSR_009 to apply a 1.1:1 FSR for land zoned, and proposed to be zoned, R4 High Density Residential at 32-34 Marian Street and 2A Bury Road, Guildford.
Victor Brazier Park, Excelsior Street, Guildford	<ul style="list-style-type: none"> • Reclassify the land from 'community' to 'operational'. • Amend the Land Zoning Map – Sheet LZN_010 to rezone land on the upper northwest portion of Victor Brazier Park, Guildford, from public recreation (Zone RE1) to low density residential development (Zone R2). • Amend the Height of Buildings Map – Sheet HOB_010 to align building heights with proposed zones and surrounding development (9m).

Table 1 – Details of Planning Proposal

Existing zoning



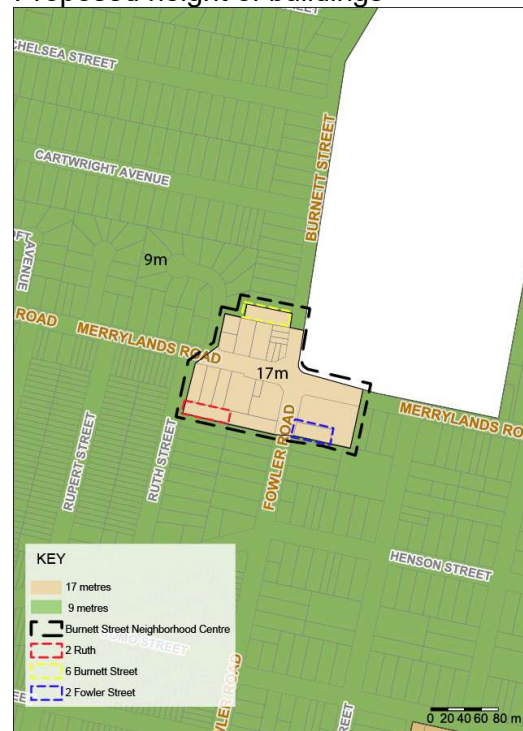
Proposed zoning



Existing height of buildings



Proposed height of buildings



Existing floor space ratio



Proposed floor space ratio

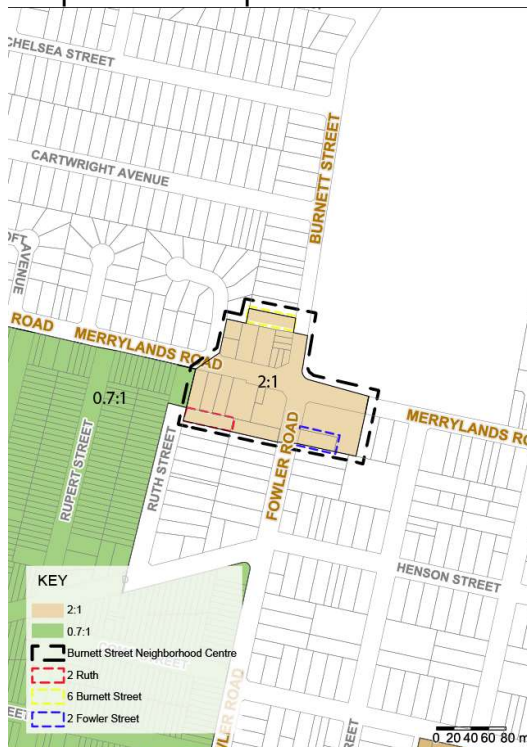
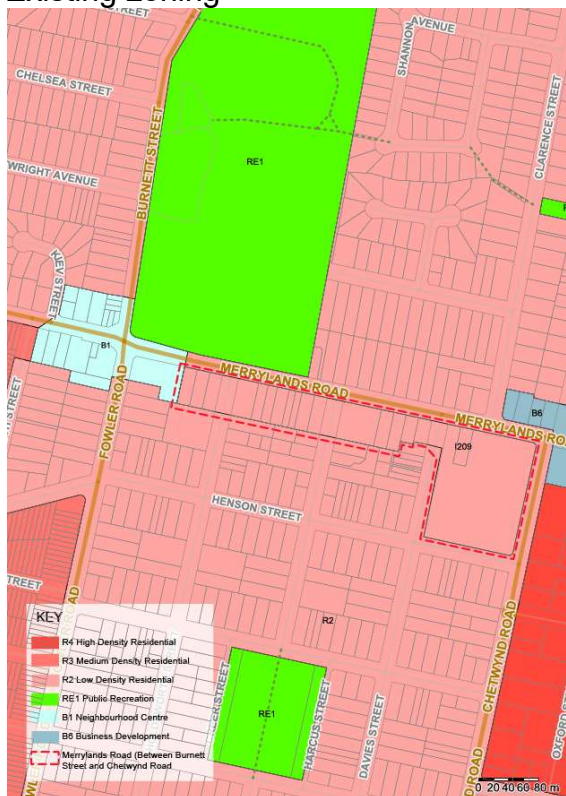
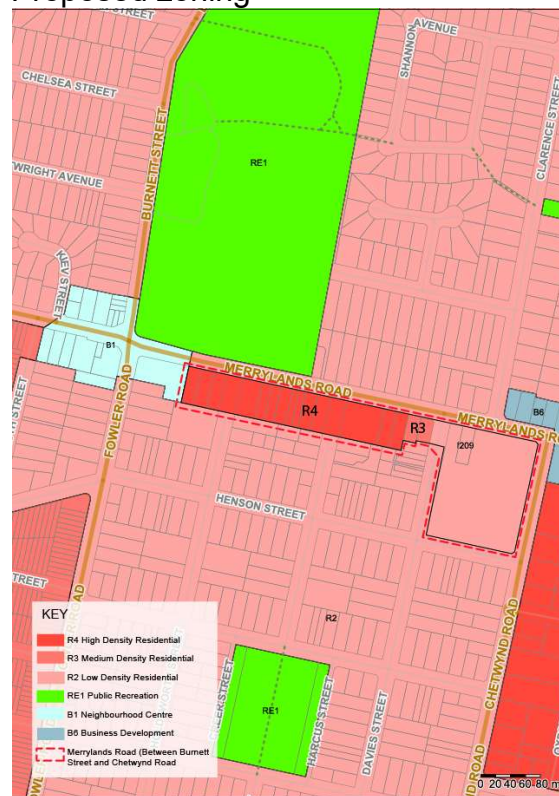


Figure 5 – Burnett Street Neighbourhood Centre: Proposed planning controls

Existing zoning



Proposed zoning



Existing height of buildings



Proposed height of buildings



Existing floor space ratio



Proposed floor space ratio

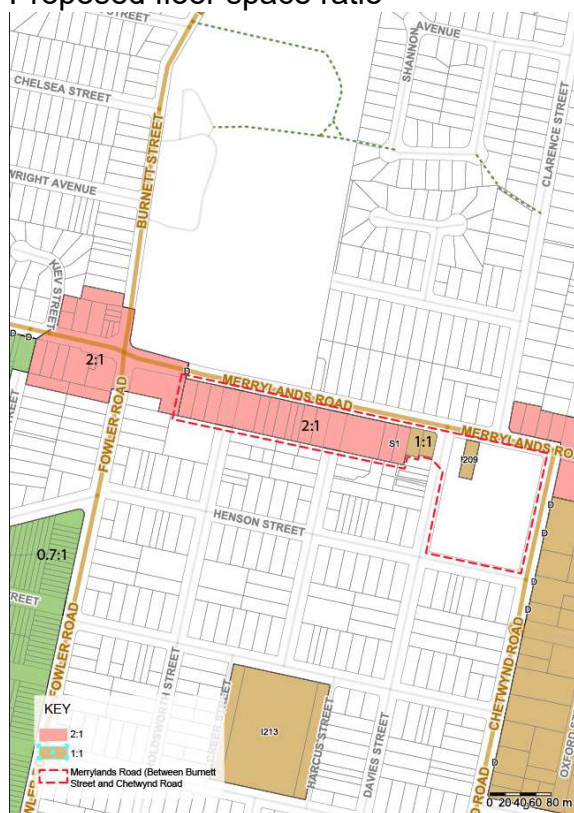
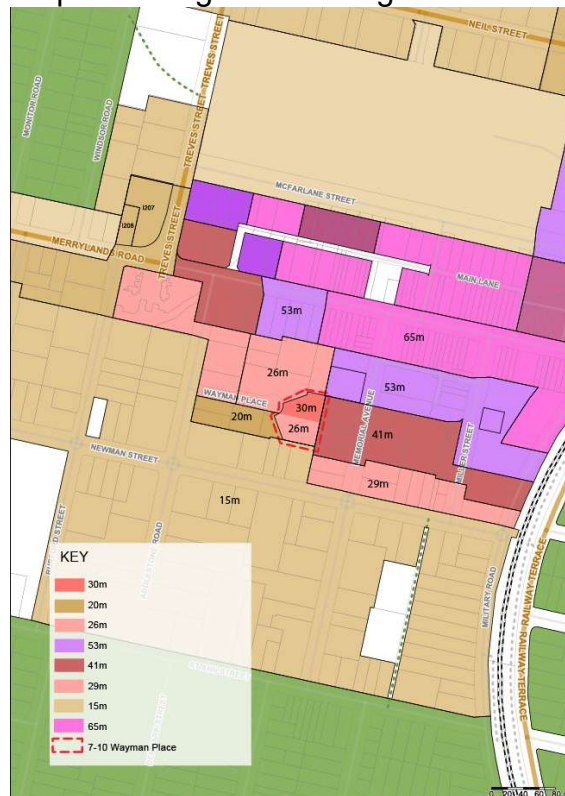


Figure 6 – Merrylands Road (between Burnett Street and Chetwynd Road): Proposed planning controls

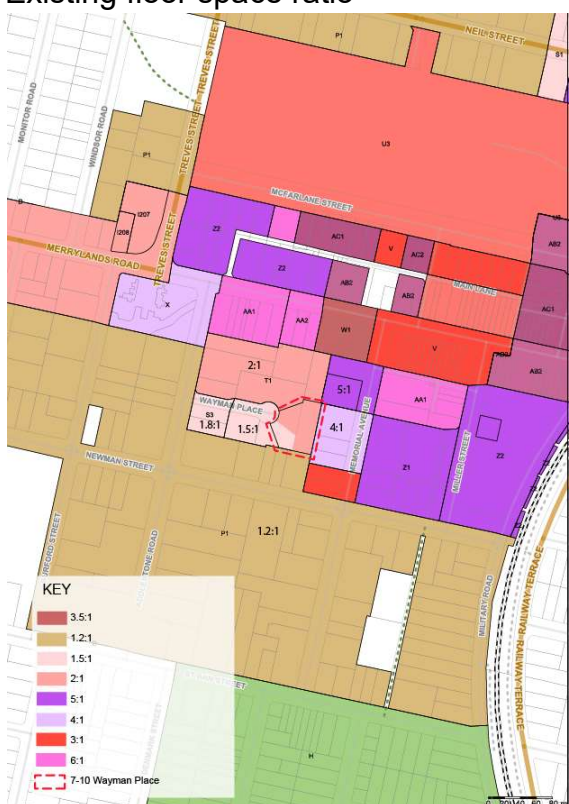
Existing height of buildings



Proposed height of buildings



Existing floor space ratio



Proposed floor space ratio

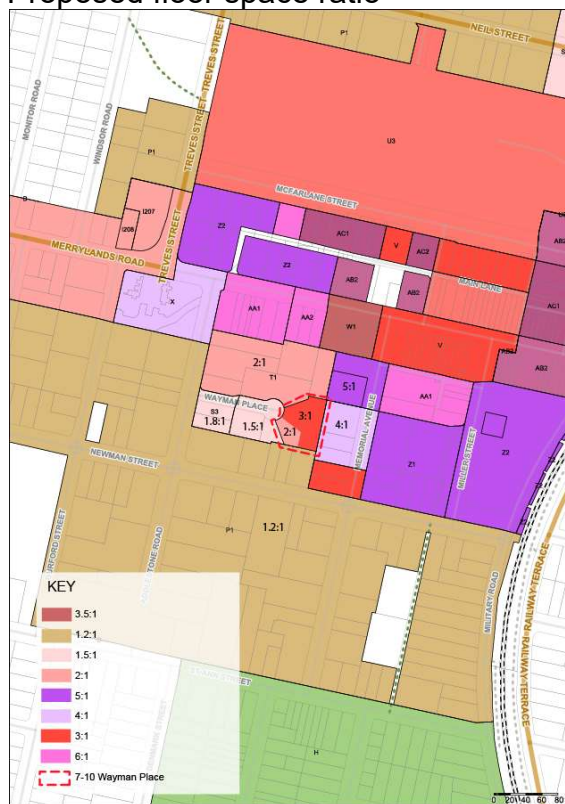
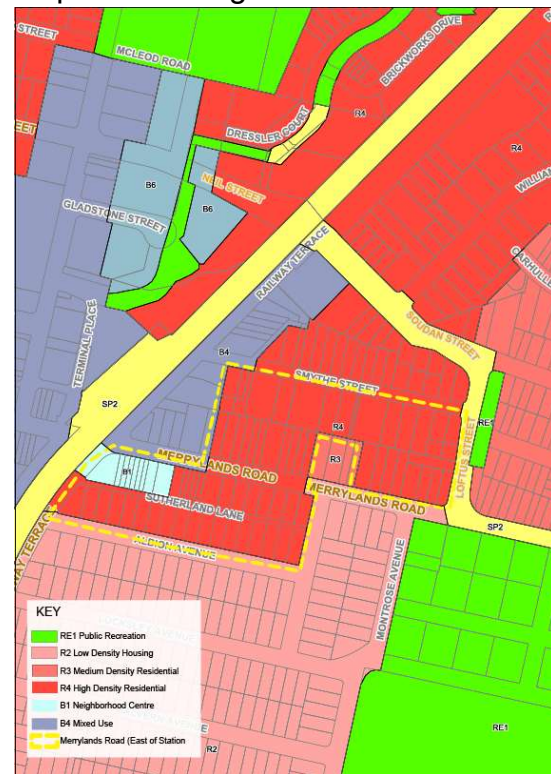


Figure 7 – 7-10 Wayman Place, Merrylands: Proposed planning controls

Existing zoning



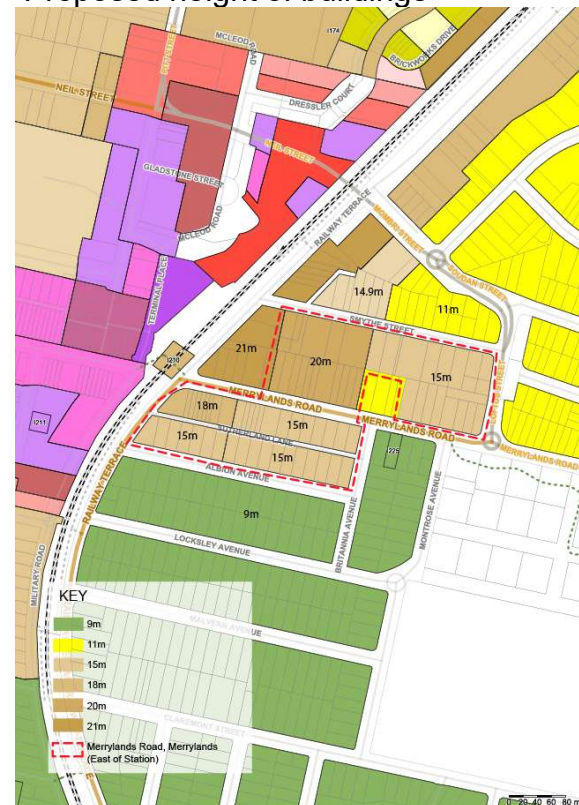
Proposed zoning



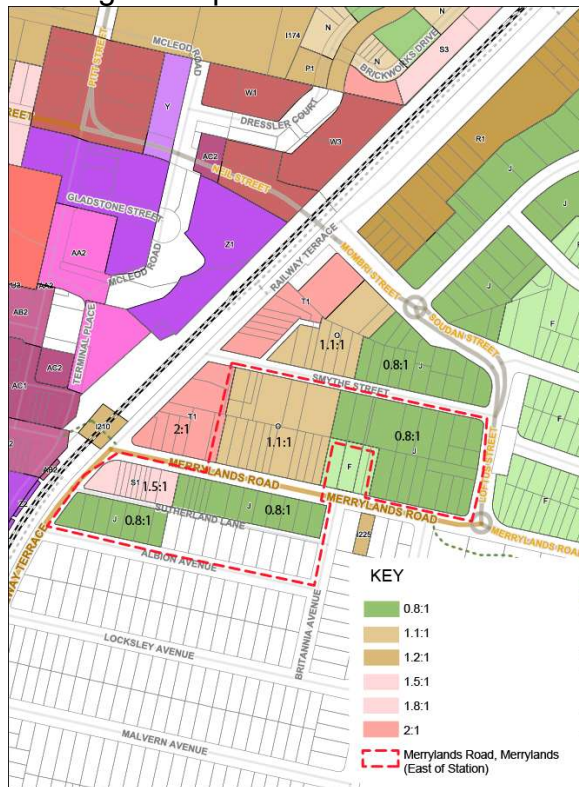
Existing height of buildings



Proposed height of buildings



Existing floor space ratio



Proposed floor space ratio

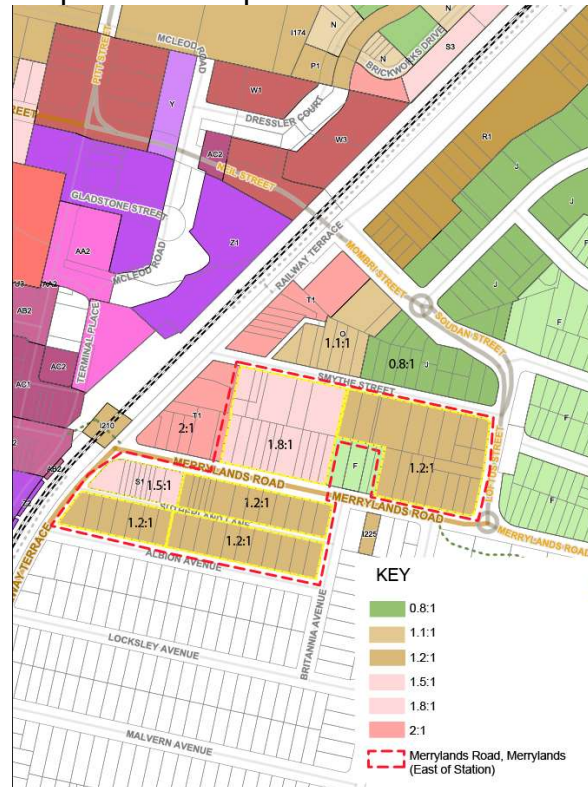


Figure 8 – Merrylands Road, Merrylands (east of station): Proposed planning controls

Existing zoning



Proposed zoning



Existing height of buildings



Proposed height of buildings



Existing floor space ratio



Proposed floor space ratio



Figure 9 – 32-34 Marian Street and 2A Bury Road, Guildford: Proposed planning controls

Existing Zoning



Proposed Zoning



Existing height of buildings



Proposed height of buildings



Figure 10 – Victor Brazier Park, Excelsior Street, Guildford: Proposed planning controls

The planning proposal for Merrylands and Guildford is provided at Attachment 1, and the planning proposal for Victor Brazier Park is provided at Attachment 2. The proposals are aligned with the strategic outcomes identified in Council's strategic planning and policy documents including:

- Cumberland 2030: Our Local Strategic Planning Statement
- Cumberland Local Housing Strategy
- Technical analysis of built form, urban design and traffic/transport

It is estimated that the planning proposals will provide for over 990 additional dwellings (over 850 dwellings in Merrylands and over 140 dwellings in Guildford), which will contribute to Cumberland's housing target of 28,000 to 28,500 additional dwellings between 2016-2036.

Development Control Plan

Minor changes have been identified to the Development Control Plan for sites in Merrylands. This will ensure consistency with Council's position on the closure of Finns Lane, Merrylands, and planning controls for the area east of Merrylands Station. The draft Development Control Plan amendments for these locations are provided at Attachments 3 and 4.

No changes have been identified to the relevant Development Control Plan for the Guildford area.

Public Domain Plan

A Public Domain Plan has also been prepared to guide the delivery of an enhanced public realm for the Merrylands Town Centre. The Plan will support future work by Council, landowners and developers in achieving the desired public domain outcomes for this area. The draft Public Domain Plan is provided as Attachment 5.

Cumberland Local Planning Panel

The draft planning proposal for sites in Merrylands and Guildford, and Victor Brazier Park, were reported to the Cumberland Local Planning Panel on 26 May 2021. The minutes of the meeting are provided at Attachment 9. The Panel generally supported the Council officer recommendations, but made the following recommendations in relation to these specific issues:

- For 32-34 Marian Street and 2A Bury Road, Guildford, the Panel recommended a reduced building height and density controls (14m and 1.1:1 respectively) to ensure an adequate transition between zones, and a more suitable built form considering the surrounding single dwelling housing.

A summary of the proposed planning controls for 32-34 Marian Street and 2A Bury Road, Guildford, is provided in Table 2.

Site	Current controls (draft Cumberland LEP)	Proposed controls reviewed by Planning Panel	Cumberland Local Planning Panel Advice (26 May 2021)
32-34 Marian Street and 2A Bury Road, Guildford	HOB 11m, 9m FSR 0.8:1, N/A	HOB 21m FSR 1.7:1	HOB 14m FSR 1.1:1

Table 2 – Cumberland Local Planning Panel site-specific recommendations

The planning proposal for Merrylands and Guildford has been updated to reflect the Panel's recommendation in respect of the Marian Street/Bury Road site.

Strategic Merit Assessment

Consistency with the Greater Sydney Region Plan and Central City District Plan

The planning proposal is consistent with the directions of the *Greater Sydney Region Plan: A Metropolis of Three Cities*, namely:

- A city supported by infrastructure – The planning proposal will provide development opportunities for housing and jobs within 30-minute access to a metropolitan centre (ie. Parramatta CBD).
- Housing the city – The planning proposal will provide greater housing supply and choice.
- A well-connected city – The planning proposal will increase the percentage of dwellings located within 30 minutes by public transport of principal local centres.
- A city for people – The planning proposal will increase opportunities for more walkable neighbourhoods and ageing in place, with greater service offerings close to residential areas.

The proposal is also consistent with the priorities and actions in the Central City District Plan, namely:

- C5 Housing the city – The planning proposal will provide housing supply, choice, and affordability with access to jobs, services, and public transport.
- C6 A city of great places – The planning proposal will assist with renewing local centres by facilitating urban renewal and development at select sites.
- C10 Jobs and skills for the community – The planning proposal will facilitate redevelopment of local commercial centres increasing job opportunities in the area.

Consistency with Cumberland 2030: Our Local Strategic Planning Statement

The proposal delivers in a key strategic area for housing identified in the structure plan for Cumberland City. The proposal is also consistent with the priorities and actions in Cumberland 2030: Our Local Strategic Planning Statement, namely:

- Local Planning Priority 5 – Deliver housing diversity to suit changing needs.
- Local Planning Priority 7 – Design vibrant and attractive centres and encourage healthy living.
- Local Planning Priority 11 – Promote access to local jobs, education opportunities and care services.

Consistency with Cumberland Local Housing Strategy

The planning proposal is consistent with the Cumberland Local Housing Strategy, which has been adopted by Council. The Merrylands Town Centre is Cumberland City's proposed strategic centre while Guildford is identified as a local centre. Both areas are identified as a location for housing in the Strategy, which will contribute to Cumberland's housing target of 28,000 to 28,500 additional dwellings between 2016-2036.

Status and Next Steps

Early consultation (pre-Gateway) on the proposed planning controls for Merrylands and Guildford has been sought and a range of submissions received. Subject to endorsement by Council, the planning proposal for targeted sites in Merrylands and Guildford, and the planning proposal for Victor Brazier Park, Guildford, will be forwarded to the Department of Planning, Industry and Environment for a Gateway Determination. Following receipt of a Gateway Determination, further consultation will be undertaken with the community and the planning proposal will then be considered again by Council prior to finalisation.

In regard to the planning proposal for Victor Brazier Park, Guildford, the reclassification of land from community to operational as identified in the proposal is anticipated to also require a public hearing as part of the post-Gateway consultation process, consistent with statutory requirements.

CONSULTATION

Early consultation on the proposed planning controls occurred in March 2021, representing pre-Gateway consultation in accordance with Council's Planning Proposal Notification Policy. This consultation enabled feedback from a broad range of stakeholders and the community which has informed the preparation of the detailed planning controls.

A total of 39 submissions were received across a range of themes, including the following site-specific requests which are considered to have merit and are included in the planning proposal.

- 2 Fowler Rd, Merrylands – rezone from R2 to B1 with corresponding height and floor space ratio controls.
- 1-21 Albion Avenue – rezone from R2 to R4, with corresponding building height and floor space ratio controls.

Public exhibition of the draft planning proposal for Merrylands and Guildford will be undertaken, subject to support by Council and the receipt of a Gateway Determination

by the Department of Planning, Industry and Environment. This consultation will be the statutory consultation, undertaken in accordance with any relevant conditions of the Gateway Determination.

POLICY IMPLICATIONS

Policy implications are outlined in the main body of the report.

RISK IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Work undertaken on planning for Merrylands and Guildford will be undertaken using existing resources.

CONCLUSION

The planning proposal responds to landowner proposals submitted during the preparation of the Cumberland Local Environmental Plan, as well as new proposals prepared by Council officers as part of strategic planning for the area. It is recommended that the Panel support the planning proposal for Merrylands and Guildford.

ATTACHMENTS

1. Planning Proposal - Merrylands and Guildford
2. Planning Proposal - Victor Brazier Park
3. Draft Cumberland DCP Amendment - Finns Lane, Merrylands
4. Draft Cumberland DCP Amendment - Merrylands Station Precinct East
5. Draft Merrylands Town Centre Public Domain Plan
6. Land Use Planning Analysis
7. Traffic and Transport Analysis
8. Early Consultation and Submissions
9. Cumberland Local Planning Panel Minutes - 26 May 2021

Minutes of the Council Meeting 16 August 2023

PRESENT

Councillors

Lisa Lake (Mayor)	Councillor
Suman Saha (Deputy Mayor)	Councillor
Steve Christou	Councillor
Diane Colman	Councillor
Greg Cummings	Councillor
Glenn Elmore	Councillor
Sabrin Farooqui	Councillor
Paul Garrard	Councillor
Ola Hamed	Councillor
Kun Huang	Councillor
Helen Hughes	Councillor
Mohamad Hussein	Councillor
Joseph Rahme	Councillor
Michael Zaiter	Councillor

Officers

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

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

Councillor Rahme left the Chamber at 6:30pm before the Opening Prayer.

Opening Prayer

The opening prayer was read by Mr Yousef Al-Zoubi from the Auburn Islamic Community Centre.

Acknowledgement of Country

The Mayor, Councillor Lake read the following Acknowledgement of Country:

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

National Anthem

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

Councillor Rahme returned to the Chamber at 6:34pm after the National Anthem.

Min. 501 Apologies / Requests for Leave of Absence/ Requests for Attendance by Audio-Visual Link

Motion (Saha/Hussein)

That Council approve the apology tendered by Councillor Sarkis for this Council meeting, due to the illness of a family member.

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

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

Councillor(s) Against the Motion: Nil.

Notice of Live Streaming of Council Meeting

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

Confirmation of Minutes

Min. 502 C08/23-364 Minutes of the Ordinary Meeting of Council - 02 August 2023

Motion (Elmore/Saha)

That Council confirm the minutes of the Ordinary Meeting of Council held on 02 August 2023.

Amendment (Christou/Garrard)

Add the following to the Motion:

"but also include a description of the circumstances which led to the adjournment of the meeting under clause 15.13 of the *Code of Meeting Practice* (p.12)".

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

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

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

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

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

Councillor(s) Against the Motion: Christou.

During the consideration of this item, Councillor Rahme raised a Point of Order, citing an alleged breach of Clause 15.11 (e) of the *Code of Meeting Practice* alleging Councillor Colman's speech made false inferences towards himself and other Councillors. The Mayor, Councillor Lake did not uphold the Point of Order.

During the consideration of this item, Councillor Rahme raised a Point of Order, citing an alleged breach of Clause 15.11 (d) of the *Code of Meeting Practice* alleging Councillor Colman directed an unfavourable generalised remark toward him by pointing in his direction. The Mayor, Councillor Lake did not uphold the Point of Order, and clarified that Councillor Colman was making a general statement and requested that Councillor Rahme resume his seat.

During the consideration of this item, Councillor Colman raised a Point of Order, citing an alleged breach of Clause 15.11 (d) of the *Code of Meeting Practice* alleging Councillor Rahme made an unfavourable remark and requested he retract his comment and apologise. The Mayor, Councillor Lake upheld the Point of Order, requesting that Councillor Rahme retract his comment and apologise. Councillor Rahme retracted his comment and apologised.

During the consideration of this item, Councillor Christou raised a Point of Order, citing an alleged breach of Clause 15.11 (e) of the *Code of Meeting Practice* alleging Councillor Colman was conducting herself in a way to disrupt the Chamber. The Mayor, Councillor Lake did not uphold the Point of Order, requesting Councillor Christou resume his seat.

Min. 503 Motion of Expulsion – Councillor Rahme

Motion (Elmore/Hussein)

That Councillor Rahme be expelled from the Meeting in accordance with clause 15.15 of the *Code of Meeting Practice*.

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

Councillor(s) For the Motion: Colman, Elmore, Hamed and Hussein.

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

During the consideration of this item, Councillor Christou raised a Point of Order, citing an alleged breach of Clause 15.11 (e) of the *Code of Meeting Practice* alleging Councillor Elmore made an unfavourable remark towards him. The Mayor, Councillor Lake upheld the Point of Order, requesting that Councillor Elmore withdraw his comment. Councillor Elmore withdrew his comment.

Declarations of Pecuniary & Non Pecuniary Conflicts of Interest

There were no declarations of interest.

Min. 504 MM08/23-34 - Mayoral Minute - 109A Church St Lidcombe Development Application - Response to Community Concerns

Motion (Lake)

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

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

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

Councillor(s) Against the Motion: Nil.

Councillor Hamed left the Chamber at 7:07pm during the consideration of this item.

Councillor Elmore left the Chamber at 7:07pm during the consideration of this item.

Councillor Zaiter left the Meeting at 7:13pm and returned at 7:14pm during the consideration of this item.

Matter of Urgency – Councillor Garrard

Motion (Garrard/Christou)

That, based on the available information presently stated within the Environmental Impact Statement provided as part of the DA documentation for 109A Church Street, Lidcombe, and other professional information available to Councillors, that each Councillor indicates their support, opposition, or otherwise, to the development proposal presently submitted to Council.

The Mayor ruled that she would accept the Motion under clause 9(2)(a) as it related to a matter that was already before the Council that evening. It was not necessary therefore for her to rule on whether it was a matter of urgency. Further, the Mayor advised that she did not believe the Motion was necessary as the resolution passed by Council from the Mayoral Minute had already indicated Councillors in-principle position of opposition to the application.

The Mayor then advised that if they chose, Councillors could once again voluntarily indicate their in-principle opposition to the application, based on information of which they were currently aware, by raising their hands.

Councillors Christou, Colman, Cummings, Farooqui, Garrard, Huang, Hughes, Hussein, Lake, Rahme, Saha and Zaiter raised their hands to indicate this way.

Councillor Hamed returned to the Chamber at 7:36pm and left at 7:36pm during the consideration of this item.

Councillor Elmore returned to the Chamber at 7:36pm and left at 7:36pm during the consideration of this item.

Councillor Hamed returned to the Chamber at 7:41pm after the consideration of this item.

Councillor Elmore returned to the Chamber at 7:41pm after the consideration of this item.

Public Forum

Nil

Min. 505 Items Resolved by Exception

Motion (Cummings/Saha)

That Council adopt items C08/23-365, C08/23-366, C08/23-368 and C08/23-371 on the Council Agenda as per the recommendations in the reports.

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

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

Councillor(s) Against the Motion: Nil.

C08/23-365 Legal Report

Resolved by Exception

That the report be received.

C08/23-366 Investment Report - July 2023

Resolved by Exception

That Council receive the July 2023 Investment Report.

C08/23-368 Draft Local Shops Study

Resolved by Exception

That Council place the Draft Cumberland Local Shops Study on public exhibition for a period of 28 days, with a report to be provided back to Council.

C08/23-371 Approval of Heavy Vehicle Access to Linfox Australia Pty Ltd

Resolved by Exception

That Council:

1. Approve heavy vehicles under Higher Mass Limits, including Quad Mass Limits, to access Council roads identified under recommendation 2, subject to the payment of a fee as agreed between the parties.
2. Note that permissible access to Council's roads would be restricted to the following road sections:
 - From the State Road Cumberland Highway (Betts Road) to Woodpark Road.
 - From the State Road Gipps Road to Woodpark Road via Long Street and Cooper Street.

Min. 506 C08/23-367 Six-Monthly Performance Report on the Operational Plan 2022-2023**Motion (Saha/Farooqui)**

That Council receive the report.

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

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

Councillor(s) Against the Motion: Nil.

Min. 507 C08/23-369 Planning Proposals for Targeted Sites in Merrylands and Guildford - Update and Next Steps**Motion (Elmore/Christou)**

That Council:

1. Note the status of the Planning Proposal for targeted sites in Merrylands and Guildford.
2. Endorse that a Council initiated Planning Proposal for the following locations not proceed at this time, as outlined in this report:
 - i) Merrylands Road (between Burnett Street and Chetwynd Road), Merrylands
 - ii) 7-10 Wayman Place, Merrylands
 - iii) 242-252 Pitt Street, Merrylands
 - iv) Merrylands Road (east of station), Merrylands
 - v) 32-34 Marian Street and 2A Bury Road, Guildford
3. Note that landowner initiated Planning Proposals may be received for these locations and would be assessed and reported to Council in accordance with statutory and policy requirements.
4. Endorse that a Council initiated Planning Proposal be progressed to cover the Burnett Street Neighbourhood Centre in Merrylands, and that the Planning Proposal be forwarded to the Department of Planning and Environment for a Gateway Determination.
5. Note that the endorsed draft amendments to the Cumberland Development Plan for Merrylands Town Centre continue to public exhibition, as the amendments are not impacted by the recommendations in this report.
6. Note that the endorsed Draft Merrylands Town Centre Public Domain Plan continue to public exhibition, subject to minor amendments as outlined in this report.
7. Note that the Department of Planning and Environment has advised that the Planning Proposal for Victor Brazier Park not proceed.

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

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

Councillor(s) Against the Motion: Nil.

Min. 508 C08/23-370 Draft Submission to Sydney Metro Independent Review

Motion (Huang/Saha)

That the matter be deferred to the following Council meeting.

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

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

Councillor(s) Against the Motion: Nil.

Min. 509 C08/23-372 Notice of Motion - Trial and Implementation of Heat Mitigating Strategies

Motion (Farooqui/Hussein)

That Council urgently bring a report to Council at its next meeting that seeks to:

1. Implement targeted programs across the Cumberland LGA that assists and provides relief for the community during the anticipated summer heat waves.
2. Ensure the programs cater for vulnerable groups within the community that are more at risk.
3. The programs are to specifically include a range of initiatives that can funded on an ongoing basis.
4. Liaise with NSW Health and WSROC to provide input into the proposed program.

Amendment (Garrard/Christou)

Add a point 5 as follows:

5. 'Investigate changes that can be made to our residential DCP to support the objectives of heat mitigation.'

The proposed Amendment was accepted by the Mover and Seconded of the Motion, and was incorporated to become the substantive Motion as follows:

Motion (Farooqui/Hussein)

That Council urgently bring a report to Council at its next meeting that seeks to:

1. Implement targeted programs across the Cumberland LGA that assists and provides relief for the community during the anticipated summer heat waves.
2. Ensure the programs cater for vulnerable groups within the community that are more at risk.
3. The programs are to specifically include a range of initiatives that can funded on an ongoing basis.
4. Liaise with NSW Health and WSROC to provide input into the proposed program
5. Investigate changes that can be made to our residential DCP to support the objectives of heat mitigation.

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

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

Councillor(s) Against the Motion: Nil.

Councillor Rahme left the Meeting at 7:55pm and returned at 8:00pm during the consideration of this item.

Councillor Rahme left the Meeting at 8:01pm during the consideration of this item.

Min. 510 C08/23-373 Notice of Motion - Withdraw Support of the Pilot FOGO Service**Motion (Christou/Garrard)**

Recognising the Lidcombe community's concern relating to the proposed Organic Waste Transfer Station, that this Council withdraw its support of the pilot FOGO service, previously promoted at Council's meeting of 18 May 2022.

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

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

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

During the consideration of this item, Councillor Garrard raised a Point of Order, claiming that Cllr Farooqi had misrepresented him by stating that he was not in support of FOGO.

The Mayor, Councillor Lake requested Councillor Garrard resume his seat and allow Councillor Farooqui to finish her speech without interruption.

During the consideration of this item, whilst Cllr Christou was giving his right of reply, Councillor Huang made an application under clause 10.23 of the Code of Meeting Practise for permission to speak on the matter for a second time so as to clarify an alleged misrepresentation made by Cllr Christou. The Mayor ruled that there could be no further debate on the matter following Cllr Christou's right of reply.

Councillor Rahme returned to the Meeting at 8:02pm during the consideration of this item.

Councillor Elmore left the Meeting at 8:07pm and returned at 8:24pm during the consideration of this item.

Councillor Hamed left the Meeting at 8:11pm and returned at 8:24pm during the consideration of this item.

Councillor Elmore left the Meeting at 8:25pm and returned at 8:48pm during the consideration of this item.

Councillor Garrard left the Meeting at 8:28pm and returned at 8:30pm during the consideration of this item.

Councillor Cummings left the Meeting at 8:33pm and returned at 8:38pm during the consideration of this item.

Councillor Colman left the Meeting at 8:34pm and returned at 8:40pm during the consideration of this item.

Councillor Hamed left the Meeting at 8:43pm and returned at 8:48pm during the consideration of this item.

C08/23-374 Questions on Notice - Submitted by Councillor Huang

The Questions on Notice were answered in the business paper for this Meeting.

Min. 511 Closed Session Reports

At this stage of the meeting being 8:49pm, the Mayor advised that in accordance with Section 10A of the *Local Government Act 1993*, the meeting would now move into Closed Session to consider item C08/23-375 as the item contains the following:

10A(2)(g) information involving advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Motion (Elmore/Huang)

That in accordance with S.10A(2)(g) of the *Local Government Act 1993*, Council enter into Closed Session to continue to consider item C08/23-375 as it relates to advice concerning litigation.

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

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

Councillor(s) Against the Motion: Nil.

Min. 512 C08/23-375 Ongoing Instructions for Legal Proceedings - 13 John St, Lidcombe**Motion (Farooqui/Huang)**

That Council consider the offer of Piety to settle Supreme Court Proceedings No. 2022/38975 and resolve to take action in accordance with option 2 as contained in this report.

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

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

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

Councillor Hussein left the Meeting at 8:52pm and returned at 8:54pm during the consideration of this item.

Councillor Saha left the Meeting at 8:52pm and returned at 8:53pm during the consideration of this item.

Councillor Cummings left the Meeting at 9:02pm and did not return.

Min. 513 Open Session**Motion (Elmore/Hussein)**

That Council resume the public meeting.

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

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

Councillor(s) Against the Motion: Nil.

On resumption of the public meeting at 9:09pm, the Mayor, Councillor Lake read out the resolution made in Closed Session.

Councillor Garrard left the meeting at 9:09pm and did not return.

Councillor Hussein left the meeting at 9:09pm during the consideration of the item.

Other/General Business

Councillor Elmore advised that Council has an upcoming free compost giveaway (2x25L bags) where Cumberland residents can register and collect from the following sites:

- Auburn Community Picnic Ground on 9 September 2023
- Guildford Depot Guildford on 23 September 2023

Councillor Hussein returned to the Meeting at 9:10pm during General Business.

The Mayor, Councillor Lake closed the meeting at 9:11pm.

Chairperson_____ General Manager_____