

Date: Sunday 13th August 2023 / Time: 2:30pm – 5:30pm / Location: The Renaissance 3 New Street East, Lidcombe
Attendees included:

Council Staff: General Manager - Peter Fitzgerald (PF), Deputy General Manager - Melissa Attia (MA), Director, Environment and Planning - Daniel Cavallo (DC)
Cumberland Councillors: Helen Hughes (HH), Paul Garrard (PG), Steve Christou (SC), Sabrin Farooqui (SF), Kun Huang (KH), Cumberland Mayor Lisa Lake (LL)
also present in audience: Hon Ms Sally Sitou (MP for the federal seat of Reid)
absent: Ms Lynda Voltz (MP for the state seat of Auburn)
also present: Auslan, Mandarin, Korean translators

DC provided intro, housekeeping and overview of the meeting agenda (first three pages of handout)

DC summarised the Typical Steps in Council's DA Process (five steps as per provided on page 5 of handout)

- under state legislation elected councillors don't have a role in making a decision to refuse or accept an application
- their role instead is to represent the views of the community and provide that feedback as part of the assessment process
- independent panels are appointed to assess larger DAs (industrial etc) and can have community representatives

DC summarised what a "designated development" is (page 7 of handout)

- high impact (noise, traffic, environmentally sensitive)
- state government has defined 23 types of "designated developments"
- designated development must have an Environmental Impact Statement (EIS) usually quite detailed
- also usually has various technical reports
- has a longer notification period (at least 28 days)
- a designated development can be subject to a merits appeal by objectors (based on merits: technical inputs and interpretations of those by those making the assessment and any legal concerns)
- the EIS must meet requirements set out by State Government

DC provided a summary update of the status & next Steps of the DA for the waste transfer station

- pages 10 & 11 of handout
- emphasised that the DA is from a private company, Council is assessing the DA on its merits
- largest number of submission received for any DA
- also got comment from State agencies Transport for NSW, EPA and internal Council areas (waste management, engineering, environmental health)
- also sent RFI letter to the applicant around 10 August, expecting a response in second half of October
- Council has also appointed an independent planner to prepare the assessment to assure rigour and transparency
- they will look at zoning, planning controls etc as well as all submissions received from the community, and information from the DA applicant
- Determination by the Sydney Central Planning Panel on the DA is expected around end November 2023
- they will approve, refuse or seek further clarification BUT before this there will be a public meeting

DA summarised the intended Traffic Study

- pages 13 & 14 of the handout

Q+A Session

Q: How does Council select the independent planner & traffic study consultants

A: for the independent planner, Council officers select a consultant which is "new" (no previous involvement with Council) and one which has experience in assessing waste transfer facilities (to ensure technical capability). For the traffic study, Council has a list of consultancies generated by the State Government. Targeting reputable organisations.

Q: general concern, what are the obligations of Council to inform the general public - we found out through letterboxing and the people publicising it at Lidcombe rail station, most of us would have been oblivious otherwise.

A: Council sends letters to adjoining properties - two or three blocks around the proposed site. Also information is on the 'web site'. For this DA, anyone who has made a submission about it will be made aware as the DA progresses. Today's public meeting is also part of the effort to inform the residents

Q: If the Sydney Central Planning Panel refuses the DA, can the DA applicant appeal? If the Sydney Central Planning Panel accepts the DA, can the approval be appealed?

A: Yes to both.

Q: Traffic management assessment - recommended "Left Turn Only" signs at the facility - will this recommendation be followed?

A: the recommendation is part of the EIS, which is considered as part of the assessment, if the DA is accepted it will be prescribed in the conditions to ensure there is something enforceable. This type of requirement is captured in Conditions to ensure that public interests are protected

Q: Notifications - who received a letter from Council? (show of hands) (audience response - No), we found out about this on Facebook, then given one week to make submissions after we went to the public meeting in Phillips Park. Council has failed here. Not happy Jan.

A: thanks for the feedback

Q: Campaign to oppose the Clyde waste transfer station (early 2000s). Struck by the lack of information in the current DA (who's operating the facility, where the waste is going, what process is going to be used). Why did Council process the DA so far without that information being available? Leads to the belief that the community is being 'played', that the intention of the application is not a waste transfer facility, but instead trying to 'soften up' the local community for a rezoning of the site. MA Investments seems to have no involvement with waste processing, instead they seem to be involved with property developments, perhaps Council should have intervened in the early stages of this application

A: If the EIS provides all the required reports, then it has to be accepted by Council. We have to follow the process. The Request for Information (RFI) covers if any perceived gaps to get additional information. Not aware of any rezoning proposal, which is a separate process that would have to go through Council, the State Government and community consultation.

Q: Is everybody here aware that we already have a waste transfer station that handles the same type of waste. Can Council tell us what is our current tonnage of waste that goes to that station and what they are turning over in total, which means other waste being brought in through Lidcombe streets to be processed by the Clyde station. Residents need to know

A: (PF) Don't know the total tonnage through Clyde, but Cumberland's current contribution is approximately 30,000 tonnes through the Clyde station. I can find out what the consent conditions were for the Clyde station (early 2000s).

Q: the new high rise buildings on the old housing commission site (Church St) is adjacent to the proposed site, has Council examined how the proximity of the housing to the waste site would affect the health of those residents?

A: mix of public and private housing at that location, the assessment will look at those environmental considerations & proximity, irrespective of who lives there

Q: Who is the current owner of 109 Church St which is the adjacent Chep pallet site? Can Council advise?

A: Can follow this up and answer but only if it's on the public record

Q: As a part of the traffic study will the lack of parking at Lidcombe be taken into consideration? And how parking issues will be resolved in future. Also in the DA there is no clear evidence on what streets the rubbish trucks will use, what streets will be used? Residents often can't park anywhere

A: The assessment will look at what streets will be used and whether they are suitable for that type of movement. The role of parking in the traffic study - the main focus is on traffic movements. Work is continuing by Council to examine parking around Lidcombe train station.

Q: Ostend St is residential but is always being used by large trucks even though they are not allowed to. There are other residential streets like this. Who polices this (residents seem to be doing this)

A: Can follow up to get Council rangers to look at this (provide the list)

Q: Traffic study - will data be collected over 2 months?

A: Typically we will do a week or so, might be September

Q: 2 months is not long enough to capture a year's worth of traffic, there's also school holidays. We may not get the full picture.

A: the study will be over many months in terms of preparing the report. With the traffic data collection a week will be chosen which is outside the school holidays, to represent typical traffic in the area. The study won't be finished until next year. Confident that the data set will be representative.

Q: What bearing would the traffic study have on assessing the DA? Would it prolong the process?

A: The traffic study will aid Council in understanding the issues as part of the DA assessment, we are also asking the applicant for more data (through the RFI). The September exercise is timed so as to not prolong the process, but future modelling will take longer.

Q: What impact will Council's assessment have on the Sydney Central planning panel?

A: the Panel will consider Council's assessment, the submissions made and technical information

Q: Will the (approx.) 1900 submissions that were made have an impact?

A: it will show the Planning Panel that there is significant community interest this will have a bearing on the consideration of the assessment

Q: The meeting handout says that the DA was submitted by a private company. There's nothing to indicate why the applicant chose the site at 109A Church St. Why does it have to be there? What reasons?

A: The choice of site is a matter for the applicant, not Council. Council's role is to look at the information and undertake the assessment. The zoning (industrial) allows the applicant to put the application in.

Q: A lot of people in Lidcombe don't speak English, in future can we get information in other languages?

A: Agree

Q: EIS was provided by the developer? Has Council done their own impact assessment and compared that with the developer's EIS?

A: yes, Council checks that the requirements are met - as defined by the State Government (guidelines and benchmarks). Today cannot yet confirm whether or not the information provided in the EIS is adequate, the process allows us to ask for more information. The EIS is acceptable in terms of starting the assessment process, but not yet accepted in the sense that the DA can be allowed to proceed.

Q: Traffic study - is Council considering new DA's which might impact traffic as well? (such as new apartments)

A: All such will be considered - what's here now and what's planned

Q: (Thank you to Cllr HH, and Cllr PG for working for Lidcombe residents) It's very hard to contain and control odour. If the DA is approved, what sorts of protection do the residents get, does the Council have the right to stop them and get them fined. Can residents complain?

A: Any consent that is issued has conditions, if those conditions are not complied with it's a matter for Council to follow up to investigate there are penalties for non-compliance. Yes residents can report.

Q: The zoning allows the waste facility but is it ok to be right next to the residential zones?

A: The independent planners will be assessing this

Q: Church St at the facility site is only one lane, large trucks are likely to cause delays, Lidcombe streets are congested

A: This will be part of the assessment process. An output of which is that we may need infrastructure upgrades

Q: Why would residents need to pay for these?

A: Agree, budget is tight, your concerns will form part of the assessment process

Q: What are the (solutions) benefits from the rubbish centre for residents?

A: (PG) Four jobs

Q: we need Council to protect residents. Where are you?

A: (PF) That's a political question for the elected Councillors ... will give them the microphone ...

Q: Will pests/termites be a problem from the rubbish centre? Would I get help?

Mayor LL: I can't answer the question about the likelihood of termites. I can say that Council has a duty of care to its residents, to make decisions that are in your interest and to look carefully at all the risks involved in the DA. Regarding what solutions we can offer as an elected body, the first is the consultation process, we've done what we can as elected Councillors to encourage the community to make submissions. We are hearing that we need to reform the DA notification process (only a few were initially informed) particularly in terms of designated developments. Also hearing that the traffic study needs to be a longitudinal study. This DA has illustrated that there is a problem with the planning process which removes the decision-making from the elected body (that's what has happened here). My view (and probably that of others here) is that if we are not the decision-makers then we can be the advocates. So it's a case of timing in terms of what we can do as advocates in this matter. The DA is now under assessment I have an obligation to respect the process. "No stone will be left unturned in that process". There is an opportunity for us to put in our own submissions (as individuals and as a body). Once the DA report is available these are the steps we will be looking at. We are here today because we are concerned and we want to listen.

Clr SC: from the outset I and Clr PG and Clr HH have been opposed to the proposal, we have brought issues to the Council chamber, to get addressed on behalf of residents, as a matter of urgency, unfortunately these were rejected. It all goes back to May 18th 2022 when a FOGO proposal trial program was put through Council, unbeknownst to us (SC, HH, PG) there is now a year later a proposal for a FOGO tip, we think this is more than a coincidence. At the next Council meeting this Wednesday (16th August 2023) we will introduce a motion to withdraw support for the FOGO. We will continue to fight against this on your behalf I encourage anyone who is concerned and has the time to show up at 6:30pm on Wednesday to make your voice heard.

Clr PG: simply put, even animals don't shit in their own nest. Why put it (the transfer station) in Lidcombe? The people who want to put it in Lidcombe don't live here, and they are going to bring rubbish from all over Sydney to Lidcombe. We already have one in Auburn, we don't need another one, it should be on the outskirts of Sydney, that's what they want to change - from the outskirts of Sydney to Central Sydney - Central Lidcombe.

Clr KH: Facts about when I was first aware of this particular matter. I received an email on 2nd February 2022, from the designer of the applicant, wanting to have a meeting with me about 109A Church St Lidcombe, this was reported to the Council General Manager, I was advised not to meet with the subsequent applicant, because the issue to be discussed was not about 109A Church St, instead the issue that was going to be discussed was the John St carpark. I also have a subsequent email from the same designer, which emailed me on 17th September 2021, about the legal advice on the John St carpark. Think about that. Two emails from the same person, about John St, and about the waste transfer station. I think people try to conflate this with FOGO, but the developer of the waste transfer station doesn't live around this area. How can people be sure that the individual does not live around that area? That's the question I want to ask. I live in Auburn.

Clr SC: We want no FOGO program in this Council area

Q: Do you want to bury all green waste in the ground, generating methane?

Clr HH: I am a lifelong resident of Lidcombe. I found out from a resident Tony about the application, as a resident I am very concerned about this, I outright oppose it, and we did have a public meeting on 7th July, for which all of North Lidcombe, part of the South and part of the West were all letterboxed, over 4,000 documents were delivered. We were proactively trying to let people know. Residents are concerned, about pests in Summer. It's pointing that some are using other circumstances to try and deflect. We have tried to raise a traffic study as a matter of urgency it was knocked back this adds time to the process, The group that we are with is not a major party so anything we put forward gets knocked down most of the time. I hope the DA gets knocked back all we can do is to continue to work as a collective, that's the best we can do.

Clr SF: The person jumping up and down here, Clr Christou, he doesn't live here, and he doesn't represent you. He is politicising this by connecting it to FOGO. They all supported FOGO in February by saying that it was intentional to put waste transfer management there. It is absolutely a political game and I absolutely hate it and am against it, our residents don't want to hear this political debate here. They are here for genuine reasons and we are here to support you, and we have been supporting you. All the concerns you have we have already raised it, we are representing you, we are doing all the possible things. (Sceptical response heard from audience). We are representing you. All the

concerns you have raised we have taken into account, and we promise that we will keep going. But connecting it with the FOGO and blaming one particular political party is absolutely nasty. Our residents are not here for that.

Q: On channel Nine news it was reported that the FOGO station is important for the State government and for the 'circular economy'. So the state government has decided, and MA Investments comes along and buys the land, so they will get lots of profits for themselves. Then, people here in Lidcombe lose our property value. Why did the MA Investment company buy the land in Lidcombe? Whether they know about this project already. Maybe some corruption? Is there a relationship between the state government and the MA Investment company? Who are they? The waste station is ridiculous, it is very near to the residential area. Council is always saying, 'we can't do anything' as this is decided by the Sydney Central Planning Panel. The State government has appointed people. Council does its best to protect us. For the sake of residents' properties, can Council buy back this land?

A: (PF) Firstly we don't know who MA Investments are. They have put in a DA for a transfer station, the DA is currently being assessed. Council has no plans to buy that land. Irrespective of what you think about FOGO, it's coming. There is a mandate from the NSW state government that says there will be a FOGO service at everyone's house by 2030. So there will be more applications like this DA, not in Cumberland, not in Lidcombe, but across NSW.

Q: So, we will have to wait until 23 December 2023 to find out if this site will be a waste transfer station or not?

A: (PF) Once the Council has finished its assessment it will go to the Sydney Central Planning Panel in November or December this year.

Q: If the waste transfer station is approved so many people will be a victim. Will there be any protection or compensation?

A: Local Council can do nothing to offer any compensation

Q: State Government says people of Sydney have to have this service. Lidcombe is central, but Chullora there is plenty of space, no houses there, so why Lidcombe as the position?

A: Council's only intention at the moment is to assess the application on its merit and to give you the best possible advocacy. You are talking about a much broader discussion that would be had with the State Government. Our intention is to appropriately resource the DA assessment and ensure everybody's voices are heard. By the time this DA is assessed Council would have spent in excess of \$300k trying to assess this application, a significant sum of money

Q: Council's capacity is to protect residents and to think about development of the community

A: (PF) Council is assessing the DA and ensuring it is done fairly and impartially, with appropriate resources, that is the best we can do. When the assessment is finished there are other steps. I suggest meeting with your local (state) member of parliament and ask her to return the planning powers and the approval back to the local Councils (taken away in 2016)

Q: Who is the local member of parliament?

Audience: They're not here!

A: There's a number of them - including Lynda Voltz. We would like to stick to professional questions about the assessment process, not political questions, you can talk to the local elected Councillors here after the meeting about political subjects

Q: If the waste transfer station goes ahead, and then the traffic and smell are out of control, what happens to us?

A: In that situation, Council's powers are limited to what's in the consent conditions. It's no different to how the site was previously operated. Prior to this there was a building recycling yard on that site, processing all types of 'crap'. Council took them to court and got them to comply with their conditions of consent to make sure they were working in accordance with their approval. If the waste station gets approved and built, and they are not complying with those conditions then Council will use every resource that it has to make sure that they do comply because it will limit the impact to you.

Q: When talking about the traffic, if there's a childcare centre in that building (adjacent units?) if it's a 40-place centre there will be up to 192 movements per day by parents. Will you make sure that is taken into consideration? Also, how many members are on this panel you said earlier it was State Government plus Council, plus community members, how many community members

A: (PF) There's two Councillors on that panel (they're actually not allowed to be here today) and then there is an alternate voting member on Council as well just in case those other two can't make it. There's two types of panels, I will hand over to DC

A: (DC) To clarify, there's the Sydney Central Planning Panel in which the waste transfer DA will be considered, and the community representatives on that one are two Councillors and then there's (also) three state(-appointed?) members on that panel. For the local planning panel which is for other types of DAs such as units, there is a community representative, plus the experts appointed by the State Government. So from a community perspective representation is different but the intent is to have someone on those panels.

Q: On behalf of everyone here today I ask all of you Councillors to put politics aside, we're not interested in your politics. Lived here a long time, now more people, none of the roads in Lidcombe have changed in any way, there's been no more roads added, the only thing that did happen was that some roads were sealed to the gutter. Also when you come under the (Church St rail) bridge from the Strathfield end the double yellow lines on the road are worn out because it's such a sharp bend that everyone who comes around that corner goes over the double yellow line, so I can't see how trucks can enter and come under that bridge in any way that would be safe, any car going in the opposite direction would be at risk. This is life or death with our environment, so I assume that Councillors that are here today are opposed to this. One would like on Wednesday night at the Council meeting, I would like to propose a motion that all the Councillors lay their cards on the table as to whether when the State Government decides on this issue, or are planning to decide on this issue, if the Councillors are going to support the residents, or are going to support the developer. The motion I would like to put to Council would be, that all Councillors are to lay their cards on the table so that we residents know, who's for us, and who's against us (audience applauds). How are we going to go about having that motion delivered?

A: (PG, SC) We'll move it as a matter of urgency

Q: All Councillors in Cumberland Council are to lay their cards on the table in relation to this waste transfer station so that we the residents know whether you support us, or you support the company

Q: RFI - Traffic is a concern - Priority number 1 is pollution - environment - need scientific data - hire a surveyor, special environmental worker.

Q: (Chinese) Is Council for or against the project?

A: (PF) this is a question for the Councillors, this is an information session and professional officers are here to answer assessment-related questions. The Council meeting on Wednesday night is the appropriate forum for that discussion.

Q: When we turn up at the Wednesday meeting will the meeting be closed in front of us because last time, we were there we were asked to leave the meeting because it was not meant to be participated by the residents

A: (PF) Answering as neutrally as I can, the meeting was closed on advice from myself as GM of Council to the Mayor, because there are certain things that should be made public with respect to development applications and things that shouldn't be. I erred on the side of caution. Because Council has no role in planning anymore or determining DAs. We assess only. So when Council starts to talk freely about a DA or opposing or supporting a DA, there is a conflict that could occur in the [Council] Chamber, that conflict extends to the fact that the Councillors don't have executive authority like they do in other Councils across Australia. The executive authority extends to the General Manager. The Councillors can state to the General Manager, "we want you to do this" but they can't instruct the staff to do it. When you start to make those views public there's potential there for that conflict to exist. And when you get towards the end of the planning process, the last thing you want to do is to give the applicant for this DA any reason to then lodge an objection in the Land and Environment Court. If for example the application is rejected, or it's recommended to be rejected by the [Council] staff, if that gets to the planning panel, and the planning panel says, we actually concur with the staff and we want this to be rejected, you don't want anything on the public record that you were biased against this from Day one. Because then there is the opportunity for that applicant to lodge an objection in the Land & Environment Court and take this on. So in the principles of good governance and good probity I advised the Mayor to shut the meeting. That was my decision. There has been legal advice given since then, Councillors have received that legal advice.

Q: The role of Council in development applications - Councillors vs Council

A: Council officers have the ability to approve small / minor amendments to existing houses, low density housing, through variations on existing applications, to a certain extent. There is no power whatsoever to approve anything

like this [DA] from the Council or Councillors, that was taken way in 2016. Because this is a designated development and the value of it is significant there is no control whatsoever from any Council elected official.

Q: Designated development, it can be the subject of a merits appeal to the Land & Environment Court by objectors, this would include Lidcombe residents here. Who would be organising or representing us to submit this appeal to the Court? Would that be the elected Councillors here? Or the residents?

A: (PF) I have no doubt whatsoever that if this [DA] were to be approved there would be an instruction given to me to take this matter on in the court.

Q: So I hope all the Councillors sitting here will be fully supporting us in objecting to this project

Q: Management of the site - from the documents, chemicals will be used to cover the smell from the rubbish, is there any mention of the chemicals being used, and what impact on people's health will be assessed by the panel or individual experts on this matter

A: (PF) I do not have an answer on the subject of chemicals today. To give some comfort, Council has engaged an independent expert for the assessment, and they have full knowledge of how these transfer stations work, that's why we got the independent expert that we did (at great expense). We are throwing all the resources at it that we can to get it assessed properly.

Q: Will the assessment be done before or after the project starts, who is the employer of the expert

A: The independent consultant is contracted to Council, not an employee. The project can't start until the assessment has been completed. The expert does not work for the developer.

Q: We can see at the table [seating the Councillors] that we have some people supportive of the residents, I'm not really sure about the others. If all the Councillors support the residents, then the possibility of having the centre built is going to be quite slim. Can a local resident be selected or elected to join this process, and to provide input?

A: (PF) No, because it's an independent process. The best advocacy I can advise you as a General Manager of Council is to get ready to go to the Planning Panel meeting, that will be a public meeting. What you will see prior going into that meeting is the report which the independent consultant has done, which will include the recommendations. Then take your concerns and thoughts to the Planning Panel. That's the most transparent way I can advise you of going about your business.

Q: Most people didn't receive the initial notification from Council, how can you guarantee that before the next round that the residents will receive the notification?

A: (PF) Sincere apologies that this is the case, we will do better. We will do what we did for this meeting, to notify everybody, we sent out over 2,000 letters.

Q: I wonder if the majority of the Lidcombe local residents oppose this project, how much weighting of their objections will be considered into the decision process? If all/most/the majority of the people reject this project, will this project be rejected, or will it still be carried out?

A: (PF) Council has received legal advice on this topic, I can advise you that sections of that advice indicate that submissions from the residents, particularly of this volume, will add weight to the decision.

Q: Who made the decision about waste?

A: (PF) State Government has made a mandate that all 152 [NSW] Councils will have a FOGO system by 2030. So as stated earlier, I certainly expect to see a lot of this style of facility to open up, because the mandate is creating a market.

Q: Regarding Health rules are there certain rules and regulations to protect the people? Can Council change the zoning of the area from industrial to residential, to stop this application? That is the only solution.

A: Yes, it is possible to change zoning, there would be a separate planning process to go through, it takes a long time, it would not be possible in terms of the timeframe for the current DA assessment process. Also, with FOGO, it's all about waste minimisation, State government mandate is trying to reduce the amount of waste going to landfill.

Q: Did the State government think about putting the waste management among the residential area?

A: (PF) I cannot answer on behalf of the State Government, all I know is about the mandate, and that this will become common across NSW

Q: Is there this type of waste management in any other areas or suburbs? Or will Lidcombe be the first one?

A: (PF) I can only assume that yes there are others, I don't have the details, because some Councils are running this service now - 15 Councils across NSW. Penrith City Council has been running this since 2007.

Q: Do we have any complaints or health issues because of that?

A: not that I am aware of

Q: Regarding odour management, can we ask the applicant to provide the details on the chemicals that will be used to manage the smell?

A: I would need to take that on notice

Q: Thank you to GM and Council and residents this is a massive issue. Summing up - consultation process, clarity & uniformity, and appeal. It's not a coordinated effort, everyone has been doing their own thing to get their message heard. For the number of people here (today) there are ten times that who don't know that this is happening, instead of 1,900 submissions we should have had 10,000 responses. we should be a leader in consulting. Where are the minutes of this meeting? Hopefully the information from this meeting is embedded in your brains. This is a working-class suburb, people work hard, they have their houses, which are devalued now. Get the consultation right, make sure everyone knows what's going on. We need unanimous support for this, from every Councillor. This is not about politics, no one here cares about politics. We don't want the waste transfer station. We're not interested in talking about any other issue. Some people have understood that, some people haven't, we just need your support. We (residents) are going to be leaning on you (Council). We need to lodge an appeal if this goes through, and we need the Council staff support to help us in that appeal process. It was mentioned before that Council has spent \$300k that's fantastic, as we need to understand it, the impacts of this proposal are ongoing. Because we are living it right today. There are too many trucks going through our area, no one will be able to monitor it or the smell, these are Environment Protection Agency requirements, Councils aren't geared up to monitor these, in part it's self-regulated. What we do need to ask the EPA is how many breaches have there been occurring in NSW over the last three years, that's the question we need to ask. Residents came out in force. Everyone has made some fantastic and valid points today. Thank you for your support.

PF: Thank you to all for your support, we'll give you as much information as we can.

END.