

Item No: 0.0

MAYORAL MINUTE - 109A CHURCH ST LIDCOMBE DEVELOPMENT APPLICATION - RESPONSE TO COMMUNITY CONCERNS

Author: Mayor Lisa Lake

SUMMARY

Last Sunday, 13th August 2023, a public meeting was held by Council, in accordance with Council's recent resolution, in relation to a proposed study to be conducted concerning traffic movements in Lidcombe, and to provide an update on a development application for a proposed food and garden organics transfer station at 109A Church St, Lidcombe.

The meeting was very well attended with several hundred community members present, as well as several Councillors, the General Manager and senior staff.

The development application that was discussed had recently been on public exhibition and had attracted approximately 1900 submissions and during this meeting the significant concerns held by many members of the Lidcombe community about this application were outlined.

One of the matters raised was the lack of direct, formal notification received by residents about this development application. Many residents complained that they had only learned of this application in the late stages of the public exhibition period, incidentally from social media or by word of mouth. It was evident to me that whilst Council's planning officers had complied with Council's policy concerning public notification, the policy itself was too restrictive for applications that concerned designated development like this one where the impacts are wider than the notification area. Indeed, I have since clarified that Council provided written notification of this application to landowners and residents in an area that extended beyond the required notification area but nevertheless it's clear that even that extended distribution was insufficient.

Of more significant concern however is the widespread opposition of many members of the Lidcombe community to this development application. These concerns have already been outlined by Council officers at a preliminary briefing to the Sydney Central City Planning Panel. They include the suitability of the site due to proximity of residential development, odour, air quality, noise and increased traffic movements.

The opposition to this application has been heartfelt and overwhelming and as such I have decided to take a course of action that I understand is open to me to request that the General Manager take steps to arrange for the preparation of 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. Such a draft submission would reflect opposition to the application by the elected body of Council on public interest grounds and be separate and distinct from any development assessment report that is

prepared and submitted to the Panel by Council's independent planning expert informed by the work of Council's planning officers.

I note that Councillors from all sides of this Chamber have been keen to express their concerns about this application. I had refrained from taking this step earlier in this matter because of two governance concerns. Firstly, the operation of Part 7 of the Councillors' Code of Conduct which precludes Councillors from attempting to influence a member of the staff of Council in the exercise of his or her functions and secondly, whether the lodgement of an objection by Councillors would create a perception of bias which may prevent the elected body from having future input in the administrative processes associated with this proposal.

I believe that this first concern has now been remedied by the implementation of barriers between the Councillors and the relevant planning officers to ensure that the officers are not contacted by Councillors or unduly influenced in their work, and the decision to retain an external planning expert to undertake the actual assessment of the application.

The second concern remains and is the practical implication of taking a public position of opposition to this application. It is clear to me that if we decide to become the advocate in this matter then we can no longer have any role as the elected body in potential administrative functions that may arise from this proposal. On balance however it is my view that the needs of the community to be represented by the elected body in this matter outweigh the need for us to maintain a neutral stance.

I also note that refraining from taking this step until tonight has allowed for a public information session to be held by Council Officers which provided the community with an opportunity to seek information on the development process and the application's status.

Therefore Councillors, tonight I move the following:

RECOMMENDATION

- 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 the preparation of 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 Councils legal operational budget.**