

**Location / Date:**

Lidcombe Community Hall

Monday July 1, 2024 starting 6:00pm (UTC+10)

**Summary contents**

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**Representatives Present**

(as known / sighted by the author of these notes):

Cumberland Councillors Helen Hughes and Paul Garrard (OLC)

Cumberland Councillor Sabrin Farooqui OAM (Labor)

also:

Electoral worker – Representing Sally Sitou MP (Federal seat of Reid, which covers Lidcombe)

Peter Fitzgerald, General Manager, Cumberland Council

Daniel Cavallo, Director of Planning, Cumberland Council (the presenter)

Various other Cumberland Council staff

and

Mandarin and Korean translators present

Minutes? – Council officers will take notes of the questions and responses

And this author, taking own notes, presented below.

Meeting Purpose: Sharing of information about 109A Church St Lidcombe – past & potential future Development Applications for a Waste Transfer Station (“FOGO”)

**Agenda**

- short update on what is understood as the status of the proposal
- Go through the DA process; for those familiar with last year’s DA there will be some familiar information here
- Also a Q+A session guided by Council Staff

**Introduction**

Last year the previous DA was ready to go to the Sydney Central Planning Panel but just before that Panel meeting the applicant withdrew the application – so the DA was/is no longer active, it’s finished. They need to start the process again with a new DA if that’s what they want to do.

In the last month or so (June 2024) there have been flyers distributed to residences near 109A Church St, Lidcombe, to advise of a new consultation process – for a new DA, for an Environmental Impact Statement (EIS).

The applicant is doing work at the moment related to requirements that need to be met before DA is lodged. As of this afternoon (1<sup>st</sup> July 2024) there is no record of a new DA having been lodged. A DA is expected at some point but don’t know when. All Council knows is that there is an intention to lodge a new DA.

**Process around DAs**

Next steps – the Waste Transfer Facility is known as a Designated Development, this type of development has a high impact to the community and/or is environmentally sensitive.

The assessment process for this type of DA relies on an Environmental Impact Statement (EIS) being prepared, it’s a very big technical report, it identifies impacts and how the impacts will be minimised/managed.

Planning Law dictates that the EIS must go on exhibition for 28 days.

If a decision is made to approve or refuse a (Designated Development) application, the objectors may choose to appeal to the Land & Environment Court, based on “the merits of the proposal”. The (state) Department of Planning, for every DA that requires an EIS, provides a list of specific requirements (technical reports etc), these requirements define what must be lodged to Council in the DA

At some stage if the applicant for 109A Church St lodges a DA, then Council will check that all this required information is included, and if so, Council will then “put the DA out for Notification, for 28 days”. Council will also undertake referrals, seeking advice from experts within Council, such as Environmental Management, Traffic & Transport and the like. Advice would also be sought from the State Government, through agencies such as Transport for NSW (TNSW), and the Environmental Protection Authority (EPA). When those referrals are received from the State agencies, or from the Council experts, and Council has the submissions from the community, all that information is provided to the applicant, in what is called a Request for Additional Information (RFI). The RFI asks the applicant to review/consider some items and provide a response back. The information in the applicant’s response to the RFI, is also used to assess the application, to see if it’s consistent with the requirements under the planning legislation.

Based on that assessment a recommendation is then made to the Consent Authority, in the case of this development (given its size and dollar value), this development would go to the Sydney Central Planning Panel (similar to last time), an assessment report (prepared by Council and/or independent assessor) would be considered by that Panel.

At this stage this is the only information Council officers are able to provide on the DA.

### **Questions and Answers** (from the floor)

*(unknown gentleman 1):* someone called RMD Australia seems to have taken control of the site – formwork and ground shoring, also surveyors marking down.

*Daniel Cavallo:* a survey is required for the DA

*(unknown gentleman 1):* has Council heard anything about what the vehicle movement plan is?

*Daniel Cavallo:* in terms of their plans, the information brochure they have provided identifies the number of movements they are proposing, which is the same as for the previous DA. Movements won’t be going through the Lidcombe town centre they will be going through to the East (not the West), but until we get a formal application, we don’t know exactly what they are.

*(unknown gentleman 1):* if they come from Arthur St the trucks they have won’t fit under the railway bridge

*Daniel Cavallo:* the assessment has to tell us what trucks they will be, size etc. To call that out, that was something that Council flagged in their assessment (of the previous DA), to demonstrate that that could be done, that wasn’t satisfied, it was one of the reasons the first DA was refused by Council. It’s an issue that Council is aware of.

*Roydon Ng:* Does that mean that there should be no impact on the Pipita Rail Trail? Bachell Avenue is the other side of it

*Daniel Cavallo:* that could be the case, if it’s based on the road network that they are relying on

*Roydon Ng:* is Council aware of any relationship between the proponents of 109A Church St (from the previous DA) and the 13 John St carpark in Lidcombe?

*Daniel Cavallo:* not personally aware, so can’t answer that question

*Tony Houhlias:* version 2 of the same development for an organic waste station does not change community sentiment against this proposal. No tip for Lidcombe – this is an inappropriate location for this development, I know I speak on behalf of the local community. Over 2000 official objections have been submitted – where are these objections? Has every Councillor read them? They are all relevant. Cumberland’s own Strategic Community Plan 2017-2027 states: the Number One goal in this Plan is to support community health, safety and wellbeing. I’m angry - this (DA) shouldn’t be happening. Such a development does not comply with this. Council – what are you doing? It’s close to a residential area, I can throw a stone and I’ll hit it, and there’s new units next to it. So it doesn’t matter what any EIS says. We in principle do not support it. Every objection is there, in black and white.

It was mentioned earlier here that there seems to be another development starting next to the proposed site, it has orange hoarding. That's not the DA site, it's the site next to it. I live next to it but I have not received any information about it, does anyone in Council know what is going on there?

*Daniel Cavallo:* not aware of it at his stage, can research and find out

*Tony Houhlias:* a hypothetical scenario – if the organic waste station is built and operating, the EPA is the regulator, and monitors this operation. Did you know, that there are thousands of waste transfer EPA breaches every year in NSW? Most of these are reported after the breach has occurred. It is obvious that these facilities pose a high community risk with fire, truck accidents, spillage and odour control, The EPA, local Council residents are not resourced and cannot monitor such as facility close to a residential area. A scenario would be a truck utilising suburban streets in Cumberland – who will be able to (1) take a photo of the truck, (2) report the incident to the EPA? These trucks are not going to come exclusively from the East, the truck driver is going to go “I'll go along Parramatta Road and come up Mons St or Jellicoe or whatever”. Who is going to monitor that? Who can and will be able to monitor? No one. This proposed development is in the wrong location, always was, always will be. What if a truck crashes into a car and kills a motorist – who will be responsible? What if the truck crashes into the pylon at the Church St bridge?

Another scenario: who will be responsible when international event tourists, going to Sydney Olympic Park, is greeted at Lidcombe train station with the horrid and putrid stench of the transfer station? They've just arrived in Australia, they want to go and watch the rugby world cup at Olympic Park, only to hop on to the Olympic Sprint platform, where the stench will travel down the rail corridor and follow them to Sydney Olympic Park? Who will be responsible for this international embarrassment, and Australia's reputation? Cumberland Council, do your duty and ban this development in Church St, as it contravenes the Council's own Strategic community Plan. Rezoning the area as residential would be a great solution for preventing this and any future development.

Align the area with the State's "Transport Orientated Development Strategy"

Can Council make an application to rezone the site?

*Daniel Cavallo:* any rezoning on the site needs to be signed off Council and the State Government. The State Government's position at the moment is that they don't want industrial land being rezoned to residential, which means that such a proposal, even if Council were to support it, would be unlikely to get State Government support.

*Tony Houhlias:* We don't care, we want to progress it, it's an alternate solution that protects us now and into the future. If we squash this development what's to stop the site next door doing it?

*(unknown lady 1):* concerned about the storage of industrial gasses that might be produced (for on-selling) at the site, like carbon dioxide and methane, what will be done with these? Will they be transported by trucks through streets? What happens if there is fire or an explosion of some sort? Lidcombe is a much more residential suburb now, than it ever was

*Daniel Cavallo:* the EIS examines how the manage and minimise those risks

*(unknown gentleman 2):* if the developer proposed some measure to mitigate the impact on the environment, which body is responsible? The Council, or the State Government? Is the Council prepared to take any further action?

*Daniel Cavallo:* the EPA will have license conditions if the DA is approved, those conditions will have to be met, for matters outside the license such as traffic and transport, and any other general compliance issues, those would be matters for Council. If Council received complaints about odour and noise (for example) Council would look at those, and if it's an action for the EPA, Council would ensure that the EPA received that. So in terms of compliance both the Council and the State Government would have a role to play.

*Tony Oldfield ("the Battler"):* there's no question that a putrid waste station is an inappropriate type of development for this area, but at the same time, be warned about what you really ask for, if you are talking about rezoning – in the previous Auburn Council, there was an area where they wanted to rezone the industrial land (Grey St, Silverwater) for residential high-rise, it was passed by Council at the time, but the (State Government ) Department of Planning rejected it, because they did not want to erode industrial land in this sort of area.

The question was asked earlier about the link between John St (Lidcombe) car park and the waste dump applicant here, we think that they are the same people – and also the same people who built the high-rise development on Railway St, where the old service station used to be. That could be their game-plan, putting in DAs in full knowledge that they are going to be rejected a number of times, and then they prepare an

application to rezone the area for high-rise development. That presents other issues like traffic, parking, infrastructure – which we don't have for high-rise development on that site. So we need to be careful when talking about the option of rezoning that site.

*(unknown gentleman 3):* will the State Government say that Council has to maintain the roads?

*Daniel Cavallo:* that's the case, if it's a Council road, it's a Council responsibility

*(unknown gentleman 4):* what would be the economic benefit be to this local community if the development was approved? Is the site large enough for such as facility? Capacity of roads to absorb future traffic? Impact on the people of Berala, Flemington and Homebush West? The application must be opposed, not just by Council but also by our local member – is our local member here? (no)

*(unknown gentleman 5):* received a flyer which has much information has information about traffic – who is the “independent company”. Would Council challenge the assessment?

*Daniel Cavallo:* in terms of any assessment such as traffic, the applicant will get their own consultants to do a report, then Council's traffic experts would look at the report and see if they agree or disagree with the report's recommendations. Sometimes Council does further analysis, also Transport for NSW. With the previous DA as an example, they provided a traffic report but there were a lot of issues that the Council officers identified, and those issues weren't resolved, which is one of the reasons why the Council officers, through an independent planner, did not support the proposal. So Council does closely examine the provided information.

*(unknown gentleman 2):* what is the methodology of the study?

*Daniel Cavallo:* the methodology of the study examines present and future traffic and also the extra traffic that might be generated by the development (and if it can be assessed)

*(unknown lady 2):* does the applicant need to flag any conflicts of interest they might have?

*Daniel Cavallo:* the only conflicts that need to be flagged are political donations; not necessarily conflicts within their parties. Typically, the applicant would pay for third-party services

*(unknown lady 2):* how do we know that these other parties are truly independent?

*Daniel Cavallo:* the independent company needs to consider their reputation and their technical expertise, and a lot of those industries would have accreditation bodies where reputational issues would be managed if work is unsatisfactory. Council carries out assessment objectively and considered how appropriate and complete the application is.

*(unknown lady 2):* does the applicant need to list who they engaged?

*Daniel Cavallo:* Council only knows the consultant who submits the application, Council does not know how many other parties (e.g. subcontractors) the applicant went to.

*(unknown lady 3):* when we entered the meeting tonight, we provided our details (name, phone number, email address) – who are the people in the Consortium? Are they from Australia? What are their addresses?

*Daniel Cavallo:* Council has the address of the applicant (the environmental consultant) so that's the party Council deals with for the DA. All that Council can ask for is the landowner's consent, which is provided as part of the DA, beyond that it's a matter for the landowner. For example for houses its often the case that the architect is the one who lodges the application.

If an environmental license is given, that will include details of representatives - people and organisations in NSW - that could be liaised with if there was an issue.

*(unknown gentleman 5):* at a previous meeting on the old DA it was stated that Council had spent hundreds of thousands of dollars on legal advice and on traffic assessments etc. Were they ever completed?

*Daniel Cavallo:* yes

*(unknown gentleman 5):* can they be used or does the process have to start all over again?

*Daniel Cavallo:* it depends on how different the (new) application is, we won't know that until something is submitted. The elected Council made an objection, that information is still available on the (Council) Planning Portal.

*(unknown gentleman 6):* how many times can this developer resubmit the application (making changes etc)

*Daniel Cavallo:* there's no limit, but after the second or third time they normally “get the message”

*Councillor Paul Garrard (OLC):* what scared the developer last time was the 2,000 submissions that came in (a number not seen before). The community needs to get involved in this, again. Comments heard tonight are no different from the comments heard five months ago. The same issues will relate to the new development. We have not yet seen the EIS, it will come in with the DA.

Of concern: there are Council elections in September (2024), which won't be finalised until the middle of October. Perhaps the DA will come in when there is no Council, which will be in caretaker mode around the election period – from 5<sup>th</sup> August (2024) onwards. So there will be two months where effectively there will be no elected Council. It's worth noting that the elected Council has already refused, having the Council staff campaign against this (it was voted against – by Labor - a couple of weeks ago).

Tonight should be a warm-up for what really needs to be done, that is, put in submissions. The message needs to get out – that we need to do this again! Get as many submissions as possible in, again. Need to keep the developer honest. It comes back to “people power”. That's the answer to the question that hasn't been asked tonight: “What can we do?” You need to put in submissions. And we can't do that until we get the EIS. We can't get that until the developer defines in black and white, what is going to be done. Then we can officially and formally oppose it – that's the process.

The community needs to make a decision - If the Council goes into recess after the 5<sup>th</sup> August, there needs to be a statement from the meeting tonight, that the moment the DA comes in, the community needs to know about it. I'd like to see a decision from the floor that when the DA comes in, there will be a letterbox drop across the area, telling people exactly what's going on.

(general agreement)

*(unknown gentleman 7):* when Council is in caretaker mode, that period should not count towards the application period, but only start when the Council is actually there.

*Daniel Cavallo:* to clarify – whenever the DA comes in, there will be a consultation period and people will be encouraged to have their say. There's a period of time between the DA coming in, Council ensuring the necessary reports are in it, and then a mailout would occur. After that consultation period, the new elected Council can still choose to have their say, they can still choose during the process that the officers assess the application to resolve to do a particular position or to do a particular piece of work. There's nothing stopping the new elected Council after the exhibition period from doing that. That's what happened last time. There will still be time for a new Council to be involved.

What Councillor Garrard is saying is that if the situation is that we have to notify when the elected Council is not there, the community can still have their say, and there will still be time after that for the assessment to be able to take input from the new elected Council.

*(unknown lady 4):* given that this is ultimately a State Government decision, will the submissions made by the elected Councillors have any impact on the final decision?

*Daniel Cavallo:* it's very unusual for a Council to put a submission in, in the detail that Cumberland did on that (previous) application, so that would be taken very seriously by the (Sydney Central Planning) Panel because it's unusual for the elected Council to do a submission of that nature.

*Tony Oldfield (“the Battler”):* I move a resolution from the floor that if a development application comes through in the caretaker period, that Council officers automatically notify the residents of Lidcombe that's the case, and encourage submissions.

(seconded)

*Daniel Cavallo:* noted

*Roydon Ng:* can we get an update on the Lidcombe traffic study (which started with the previous DA)

*Daniel Cavallo:* most of the study has been undertaken, we're just finalising some of the elements in that study, because there has been some change in the area. We expect the report to be finalised shortly.

*Roydon Ng:* if Council does decide to make a submission for any future DA, can Council make one from the position that the developer is a “vexatious applicant” (it's a high bar)

*Daniel Cavallo:* that's a matter for Council to deal with, I can't deal with that in my capacity as Director, because I have to deal with the assessment

*(unknown gentleman 3):* Should the development be approved, what bonds or insurance (or the like) would be deposited by the developer to cover potential damage/harm/loss to the community?

*Daniel Cavallo:* in general, this would be part of the assessment process, it would need to be explored in detail

*(unknown gentleman 8):* will we be totally disregarded?

*Daniel Cavallo:* All I can guarantee is that if Planning legislation allows, Council will deal with it, otherwise State Government would deal with it.

*(unknown lady 5, mandarin):* will the 2,000 (previous) submissions be transferred across to the new application?

*Daniel Cavallo:* No, for a new DA, you have to start again, and resubmit

*(unknown lady 5, mandarin):* in terms of the Chinese community there are many people who don't know English, can we do one submission but have many people's signatures on the one submission?

*Daniel Cavallo:* That's an option that is available – however, that would only count as one submission – so to be effective, you need to have individual submissions

*(unknown lady 5, mandarin):* can we use the same letter

*Daniel Cavallo:* people can resubmit what they've got, as long as the letters are different from each other

*Councillor Helen Hughes (OLC):* this matter has been a concern, and it's infuriating.

If the application is received during Council caretaker mode period, please ensure that:

- the letter that is sent out is sent to all previous objectors, and all residents of Lidcombe and wider
- in English, Korean and simplified Chinese

as these are the major cultural languages in the area. And include a QR code.

*Daniel Cavallo:* noted

Other questions / responses captured:

*unknown gentleman 9:* Based on the response I got from the developer, they have had to engage the EPA this time round. What is the role of the EPA in the assessment of the DA should it be submitted?

*Daniel Cavallo:* The EPA will have license conditions if the DA is approved, those conditions will have to be met. The developer did not consult properly with the EPA when the DA was originally submitted hence there were concerns raised. Now it appears that the developer is consulting with the EPA as well as council to ensure all the requirements have been met.

*unknown gentleman 9:* The consultation material the developer put out to residents state that their traffic study indicates that the existing road network can handle the truck movements. However when I asked the developer about their traffic study origin, the response I received was that they commissioned the traffic study but is been revised to meet council requirements. How can the developer state that the traffic study indicates no issues with truck movements on the existing road network when it hasn't been finalised? Is that misleading?

*Daniel Cavallo:* Every traffic study that is commissioned for the purpose of a DA has to be reviewed by the council as is every documentation and submission made by DA applicants. Although the residents might perceive that the developer states that the traffic study does not raise concerns about the road network's capacity (based off the consultation material), end of the day it is up to council officers to assess the given documentation and made an assessment or refer for further review and/or correction.

*unknown gentleman 9:* Will the original 2000 objectors to the first DA application have to write up a new submission as the EIS document may change with the future submission?

*Daniel Cavallo:* Effectively yes (NB: I don't recall Daniel's exact response as it was very vague and fluffy but worth noting that new submissions to council to object to this DA would have to be in response to the new EIS especially if an update has been made to the document otherwise they may not count).

*unknown gentleman 9:* In the event the DA be submitted during the caretaker period of council, how would it be actioned and would councillors be in a position to put forward their objections this time round?

*Daniel Cavallo:* If the new Council wish to make a resolution on the matter as well it can be submitted, but would be after the open period (as, on the former DA, it was submitted after the assessment of the DA).

First meeting closed. Similar meeting held at 7:30pm.