
Minutes of the Council Meeting 3 April 2019

Meeting commenced at 6:31pm

Present:

Greg Cummings (Mayor)	Councillor
Glenn Elmore (Deputy Mayor)	Councillor
Ned Attie	Councillor
George Campbell	Councillor
Steve Christou	Councillor
Paul Garrard	Councillor
Ross Grove	Councillor
Ola Hamed	Councillor
Kun Huang	Councillor
Lisa Lake	Councillor
Joseph Rahme	Councillor
Suman Saha	Councillor
Eddy Sarkis	Councillor (arrived 6:35pm)
Michael Zaiter	Councillor
Hamish McNulty	General Manager
Melissa Attia	Director People & Performance
Daniel Cavallo	Director Environment & Planning
Brooke Endycott	Director Community Development
Peter Fitzgerald	Director Works & Infrastructure
Richard Sheridan	Director Finance & Governance

Also Present:

Charlie Ayoub	Group Manager Corporate & Customer
Carol Karaki	Governance Coordinator
Olivia Shields	Governance Administration Officer

Opening Prayer

The opening prayer was read by Rev. Mark Beaton from Greystanes Uniting Church.

Acknowledgement of Country

The Mayor, Councillor Cummings opened the Meeting with 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 both past and present."

National Anthem

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

Notice of Live Streaming of Council Meeting

The General Manager, Hamish McNulty advised that the Council meeting was being streamed live on Council's website and members of the public must ensure their speech to the Council is respectful and use appropriate language.

Apologies/Leave of Absence

Councillor Zreika was noted as an apology, as Leave of Absence was granted at the Ordinary Council Meeting held on 20 March 2019.

Declarations of Pecuniary & Non Pecuniary Conflicts of Interest

There were no declarations of interest.

Confirmation of Minutes

Min.460 **C04/19-40 Minutes of the Ordinary Meeting of Council - 20 March 2019**

Resolved (Attie/Christou)

That Council confirm the minutes of the Ordinary Meeting of Council held on 20 March 2019.

Public Forum:

Speakers on General Items

Speaker	Subject	Suburb
Mr Ashwani Jain	Holi Festival 2019	Homebush

Min.461 **Items by Exception**

Resolved (Attie/Sarkis)

At this time of the meeting, all items on the agenda not called for discussion were moved collectively, as shown:

That item numbers C04/19-41, C04/19-42, C04/19-43, C04/19-44, C04/19-46, C04/19-47, C04/19-48, C04/19-51 and C04/19-52 be moved in bulk.

Min.462 C04/19-41 Legal Report - March 2019

Resolved (Attie/Sarkis)

That Council receive this report.

**Min.463 C04/19-42 Renewal and Establishment of Alcohol-Free Zones -
Stage 2**

Resolved (Attie/Sarkis)

That Council:

1. Commence the mandatory consultation and notification process in accordance with the *Local Government Act 1993* for the renewal of existing and proposed additional Alcohol-Free Zones in the Greystanes, Girraween, Guildford, Merrylands, Pendle Hill, South Wentworthville, Toongabbie, Wentworthville and Westmead areas as outlined in this report for a four year period.
2. Receive a further report for consideration at the conclusion of the public consultation and notification process.

Min.464 C04/19-43 Draft Cumberland Cultural Plan 2019 – 2029

Resolved (Attie/Sarkis)

That Council place the *Draft Cumberland Cultural Plan 2019 – 2029* on public exhibition for a period of 28 days, with a report to be provided back to Council following the conclusion of the exhibition period.

Min.465 C04/19-44 Tender Evaluation Report - CCTV and Lighting Upgrades

Resolved (Attie/Sarkis)

That Council:

1. Reject all tenders for Tender T-2018-060, CCTV and Lighting Upgrades, in accordance with Clause 178(3) (b) of the *Local Government (General) Regulation 2005* and invite fresh tenders based on one separable portion of the original tender.
2. Notify all tenderers of Council's resolution in (1) above.

Min.466 C04/19-46 Contract Extension - Receival and Processing of Residential Kerbside Clean Up Material

Resolved (Attie/Sarkis)

That Council delegate authority to the General Manager to execute the first contract extension option in Council's receival and processing of bulky waste contract with Dial A Dump Industries Pty Ltd.

Min.467 C04/19-47 Contract Extension - Mixed Solid Waste Processing Agreement

Resolved (Attie/Sarkis)

That Council delegate authority to the General Manager to execute the first contract extension option in Council's mixed solid waste processing agreement with SUEZ Pty Ltd.

Min.468 C04/19-48 Hyland Road Reserve - Exhibition of Draft Master Plan

Resolved (Attie/Sarkis)

That Council:

1. Place on public exhibition the Draft Masterplan for Hyland Road Reserve for a period of 42 days, in accordance with Section 38 of the *NSW Local Government Act (1993)*.
2. Receive a report following the conclusion of the exhibition period detailing the results of submissions made, along with an updated version of the adopted Plan of Management incorporating the revised Landscape Masterplan.

Min.469 C04/19-51 Expression of Interest Evaluation Report - Supply, Install and Maintain Bus Shelters

Resolved (Attie/Sarkis)

That Council:

1. Decline all Expression of Interest (EOI) submissions in accordance with Clause 178(1)(b) of the *Local Government (General) Regulations 2005*, as two out of the three of the EOI respondents could not meet the EOI requirements; and
2. Invite tenders in accordance with Clause 167, 168 or 169 of the *Local Government (General) Regulations 2005*.

**Min.470 C04/19-52 Quarterly Progress Report and Submissions Received
for Council Consultative and Advisory Committees****Resolved (Attie/Sarkis)**

That Council:

1. Receive the minutes of the Consultative and Advisory Committee meetings held as listed in the report and included under Attachments 1 to 10.
2. Adopt the change of name and revised Terms of Reference for the Community Safety and Crime Prevention Committee included under Attachment 11.
3. Receive and note the resignations received and vacancies for the Aboriginal and Torres Strait Islander Consultative Committee, Access Committee, Community Safety Committee, Culturally and Linguistically Diverse Advisory Committee, Events Advisory Committee, and Youth Advisory Committee.
4. Adopt the community representatives listed in the report for membership on Council's Advisory Committees for a two year term and advise all applicants in writing of the outcome of their nomination for membership.
5. Adopt the revised Terms of Reference for the Access Committee included under Attachment 12.
6. Adopt the revised Terms of Reference for the Youth Advisory Committee included under Attachment 13.

Min.471 C04/19-45 Cumberland Design Excellence Panel**Resolved (Lake/Elmore)**

That Council:

1. Adopt the Design Excellence Panel Policy as an interim policy to enable establishment of the Panel subject to the following additional clauses being inserted:

Considerations for Design Excellence

In considering whether the development exhibits design excellence, the panel should have regard to the following matters:

- i. Whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved.
- ii. Whether the form and external appearance of the development will improve the quality and amenity of the public domain.
- iii. Whether the development detrimentally impacts on view corridors.
- iv. How the development addresses the following matters:
 - a. The suitability of the land for development;
 - b. Existing and proposed uses and use mix;

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- c. Heritage issues and streetscape constraints;
 - d. The location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form;
 - e. Bulk, massing and modulation of buildings;
 - f. Street frontage heights;
 - g. Environmental impacts such as sustainable design, overshadowing, wind and reflectivity;
 - h. The achievement of the principles of ecologically sustainable development;
 - i. Pedestrian, cycle, vehicular and service access and circulation requirements; and
 - j. The impact on, and any proposed improvements to, the public domain.
- 2. Receive and note the Design Excellence Panel Procedures to support the delivery of the Interim Policy;
 - 3. Receive and note recommendations for Panel members to form the Cumberland Design Excellence Panel; and
 - 4. Endorse that further work is undertaken to support the Cumberland Design Excellence Panel, including consultation on the Design Excellence Panel Policy and consideration of design competition provisions.

Carried Unanimously

C04/19-46 Contract Extension - Reveal and Processing of Residential Kerbside Clean Up Material

This item was dealt with earlier in the meeting.

C04/19-47 Contract Extension - Mixed Solid Waste Processing Agreement

This item was dealt with earlier in the meeting.

C04/19-48 Hyland Road Reserve - Exhibition of Draft Master Plan

This item was dealt with earlier in the meeting.

Min.472 C04/19-49 Tender Evaluation Report - Alterations & Additions to Friend Park Children's Centre

Resolved (Grove/Sarkis)

That Council:

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1. Accept the Tender Evaluation Panel's recommendation to award the contract for the alterations and additions to Friend Park Children's Centre to 2020 Projects Pty Ltd (ABN 35 114 198 140) in accordance with Clause 178(1)(a) of the *Local Government (General) Regulations 2005*, for an amount of \$1,349,552 (excluding GST) as the most advantageous and best value offer received.
 2. Delegate to the General Manager the authority to execute the contract and any associated documents.

Min.473 C04/19-50 Tender Evaluation Report - Woodville Golf Course Irrigation Project

Resolved (Garrard/Elmore)

That Council:

1. Accept the Tender Evaluation Panel's recommendation to award the Contract to Australian Turf Projects Pty Ltd (ABN 60 144 747 035) in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2005*, for an amount of \$863,370.00 (excluding GST) as the most advantageous and best value offer received.
2. Delegate to the General Manager the authority to execute the Contract and any associated documents for this project.
3. Fund this project from the Woodville Ward Reserve.
4. Investigate the possibility of the successful tenderer to not conduct works on the weekend.

C04/19-51 Expression of Interest Evaluation Report - Supply, Install and Maintain Bus Shelters

This item was dealt with earlier in the meeting.

C04/19-52 Quarterly Progress Report and Submissions Received for Council Consultative and Advisory Committees

This item was dealt with earlier in the meeting.

Min.474 C04/19-53 Notice of Motion - School Holiday Care Program

Resolved (Hamed/Rahme)

That Council seek a report on the feasibility of including an appropriate heritage based activity as part the School Holiday Care Program including consideration of a tour of heritage assets in the Cumberland Council area as part of the activity.

Min.475 C04/19-54 Notice of Motion - Cumberland Council Administration Building

Resolved (Attie/Rahme)

That:

1. Investigations commence into the potential site for a new Cumberland Council Administration building for all office based staff.
2. A report be provided, including but not limited to, the most suitable location, cost of construction and possible ways of funding the development.
3. The report is to also look at the possibility of additional community benefits within the proposed development.

The Motion moved by Councillor Attie seconded by Councillor Rahme on being Put to the meeting was declared CARRIED.

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

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

Councillor(s) Against the Motion: Campbell, Grove, Hamed and Lake.

Councillor Rahme left the Meeting at 7:41pm and returned to the Meeting at 7:43pm during the consideration of this item.

Min.476 Closed Session

Resolved (Garrard/Sarkis)

At this stage of the meeting being 7:52pm, the Mayor advised that in accordance with Section 10a of the *Local Government Act 1993* the meeting would move into Closed Session, with the members of the press and public excluded from the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action was taken as the items listed were within the following provisions under Section 10a of the *Local Government Act*:-

(2) The matters and information are the following:

(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

In accordance with Council's Code of Meeting Practice, the Mayor Councillor Cummings asked the members of the public gallery if they wish to make representation prior to the meeting entering into closed session.

Min.477 Open Session

Resolved (Attie/Grove)

Council returned to Open Session at 8:35pm to resolve the below Confidential Item:
C04/19-55 Proposed Closure and Sale of Part of Finns Lane, Merrylands

**Min.478 C04/19-55 Proposed Closure and Sale of Part of Finns Lane,
Merrylands**

Resolved (Attie/Elmore)

That Council delegate authority to the General Manager to consider any submissions made to Council with respect to the closing of a portion of Finns Lane, Merrylands, and to report to Council about this matter.

The Mayor, Councillor Cummings closed the meeting at 8:35pm.

Chairperson _____ General Manager _____