
Minutes of the Council Meeting 17 April 2019

Meeting commenced at 6:36pm

Present:

Greg Cummings (Mayor)	Councillor
Glenn Elmore (Deputy Mayor)	Councillor
Ned Attie	Councillor (arrived 6:44pm)
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
Michael Zaiter	Councillor
Tom Zreika	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
Monica Cologna	Manager Strategic Planning
Carol Karaki	Governance Coordinator
Laith Jammal	Governance Administration Officer

Opening Prayer

The opening prayer was read by Pdt Jatinkumar Bhatt from Sri Mandir Hindu Temple.

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.

Min.479 Apologies/Leave of Absence

Resolved (Garrard/Zreika)

Note: Councillor Garrard noted that Councillor Attie is an apology at this stage of the meeting. Councillor Attie later entered the Meeting at 6:44pm.

That the apology tendered on behalf of Councillor Attie be accepted.

Declarations of Pecuniary & Non Pecuniary Conflicts of Interest

Councillor Rahme declared a less than significant, non-pecuniary interest in Item C04/19-58 as he has played for the Guildford County Soccer and Recreation Club.

Councillor Zreika declared a pecuniary interest in Item C04/19-64 as he owns assets in the town centre. As such, Councillor Zreika exited the Chamber during the consideration of this item.

Councillor Zaiter declared a significant, non-pecuniary interest in Item C04/19-65 as a client of his accounting firm has an interest in the land. As such, Councillor Zaiter exited the Chamber during the consideration of this item.

Councillor Grove declared a pecuniary interest in Item C04/19-67 as he is an employee of the City of Parramatta Council. As such, Councillor Grove exited the Chamber during the consideration of this item.

Confirmation of Minutes

Min.480 C04/19-56 Minutes of the Ordinary Meeting of Council - 3 April 2019

Resolved (Christou/Huang)

That Council confirm the minutes of the Ordinary Meeting of Council held on 3 April 2019.

Public Forum:**Speakers on Items on the Council Meeting Agenda**

Speaker	Item #	Suburb
Mr Abdurrahman Asaroglu	C04/19-63 - Request for Partnership - Community Iftar Dinner 2019	Auburn

Min.481 Matter of Urgency – Street Renaming**Resolved (Sarkis/Zaiter)**

That in accordance with Clause 2.7(3)(b) of the Cumberland Council Code of Meeting Practice, Standing Orders be suspended to permit the Matter of Urgency in relation to street renaming.

Min.482 Matter of Urgency – Renaming of Margaret Street, Merrylands**Resolved (Sarkis/Zaiter)**

That Council take the necessary steps required to change the name of Margaret Street, Merrylands to state Margaret Street North and Margaret Street South.

Min.483 Resumption of Standing Orders**Resolved (Garrard/Elmore)**

That in accordance with Clause 1.6 (2) of the Code of Meeting Practice, Council resume the normal order of business.

Min.484 Items by Exception**Resolved (Sarkis/Elmore)**

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

That item numbers C04/19-60, C04/19-61 and C04/19-62 be moved in bulk.

Min.485 C04/19-60 Investment Report - March 2019**Resolved (Sarkis/Elmore)**

That Council receive the March 2019 Investment Report.

Min.486 C04/19-61 Quarterly Update on the Implementation of the Stronger Communities Fund

Resolved (Sarkis/Elmore)

That Council:

1. Note the progress on the implementation of the Stronger Communities Fund.
2. Submit a copy of this report to the Office of Local Government to meet reporting requirements under the NSW Government's Stronger Communities Fund Guidelines.
3. Reallocate \$10,417 from returned funds under the Stronger Communities Fund Community Grants Program budget to the Granville Multi-purpose Community Centre Project within the Stronger Communities Fund Major Projects Program.

Min.487 C04/19-62 Tender Evaluation Report - Granville Multipurpose Centre

Resolved (Sarkis/Elmore)

That Council:

1. Accept the Tender Evaluation Panel's recommendation to award the contract for the construction of the Granville Multipurpose Centre to Stephen Edwards Constructions Pty Ltd (ABN 65 001 824 139) in accordance with Clause 178(1)(a) of the *Local Government (General) Regulations 2005*, for the amount of \$20,306,290 (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.

C04/19-57 Draft Operational Plan and Budget 2019-2020

This item was withdrawn by the General Manager.

Min.488 C04/19-58 Legal Advice - Occupation of Buildings at Guildford Park

Resolved (Rahme/Elmore)

That the report be received.

Min.489 C04/19-59 Draft Code Of Meeting Practice

Motion (Lake/Hamed)

That Council:

1. Approve the *Draft Code of Meeting Practice* (Attachment 1) to be placed on public exhibition and submission for 42 days, as required under S.361 of the *Local Government Act 1993* subject to the amendments outlined in Attachment A.
2. Receive a further report outlining the submissions received during the exhibition period.

Amendment (Grove/Zaiter)

That Council:

1. Approve the *Draft Code of Meeting Practice* (Attachment 1) to be placed on public exhibition and submission for 42 days, as required under S.361 of the *Local Government Act 1993* subject to the amendments outlined in Attachment A (excluding changes to item 7.1 and 7.2).
2. Receive a further report outlining the submissions received during the exhibition period.

The Amendment moved by Councillor Grove seconded by Councillor Zaiter on being Put 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 Amendment: Attie, Cummings, Garrard, Grove, Rahme, Sarkis, Zaiter and Zreika.

Councillor(s) Against the Amendment: Campbell, Christou, Elmore, Hamed, Huang, Lake and Saha.

The Amendment moved by Councillor Grove seconded by Councillor Zaiter then became the motion.

The motion moved by Councillor Grove seconded by Councillor Zaiter on being Put was declared CARRIED to become the resolution of Council (as shown in the amendment).

C04/19-60 Investment Report - March 2019

This item was dealt with earlier in the meeting.

C04/19-61 Quarterly Update on the Implementation of the Stronger Communities Fund

This item was dealt with earlier in the meeting.

C04/19-62 Tender Evaluation Report - Granville Multipurpose Centre

This item was dealt with earlier in the meeting.

Min.490 C04/19-63 Request for Partnership - Community Iftar Dinner 2019

Resolved (Zreika/Attie)

That Council support the delivery of a Community Iftar Dinner on Tuesday, 21 May 2019 in partnership with the Auburn Gallipoli Mosque.

Min.491 C04/19-64 Auburn and Lidcombe Town Centres Planning Controls Strategy

Note: Councillor Zreika exited the Chamber at 7:34pm during the consideration of this item as he had declared a pecuniary interest in this item.

Motion (Attie/Sarkis)

That Council:

1. Note the submissions received on the planning controls strategy for Auburn and Lidcombe Town Centres.
2. Note that planning controls for the Auburn Town Centre remain unchanged for Precincts 4, 5, 7 and 10.
3. Adopt the planning controls strategy for Auburn Town Centre in Precincts 2, 3, 6, 8, 11, 14, 15, 16a and 18, with these controls reflecting current arrangements or exhibited controls.
4. Adopt the planning controls strategy for Auburn Town Centre in Precincts 1, 9, 12, 13 and 17, with revisions made to these controls in response to submissions or further assessment by Council.
5. Adopt the planning controls strategy for Lidcombe Town Centre in Precincts 4, 5, 6, 10, 11, 12, 13, 15 east and west along Mary St to be zoned B4 until the intersection of Frederick St, 16a and 17, with these controls reflecting current arrangements or exhibited controls.
6. Adopt the planning controls strategy for Lidcombe Town Centre in Precincts 1, 2, 3, 7, 8, 9, and 14, with revisions made to these controls in response to submissions or further assessment by Council.
7. Implement the adopted planning controls strategy for Auburn and Lidcombe Town Centres as part of the new Cumberland Local Environmental Plan.
8. Note that the adopted planning controls strategy for Auburn and Lidcombe Town Centres will be subject to further public consultation and further review by the Cumberland Local Planning Panel as part of the new Cumberland Local Environmental Plan.

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9. Note that further assessment on the planning controls strategy for Auburn Town Centre will be undertaken in Precincts 16b, 21 and 22.

Amendment (Lake/Elmore)

That recommendations 2-9 be omitted from the Motion and the following be inserted:

2. Council hold a workshop to consider the effect of any design excellence provision to be included in the Cumberland Local Environmental Plan on proposed planning controls for the Auburn and Lidcombe Town Centres.
3. Council then resolve the effect of this provision as outlined in Recommendation 1.
4. In accordance with Council resolution 21.12.16, the Draft Auburn and Lidcombe Town Centres Strategy and submissions received be reported to the Cumberland Local Planning Panel for consideration and recommendation to Council.
5. A site visit of the Auburn Town Centre and a site visit of the Lidcombe Town Centre be held with reference to the draft strategy.
6. The Auburn Town Centre Strategy and the Lidcombe Town Centre Strategy be reported to Council separately.

The Amendment moved by Councillor Lake seconded by Councillor Elmore on being Put 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 Amendment: Campbell, Christou, Elmore, Garrard, Hamed, Huang, Lake and Saha.

Councillor(s) Against the Amendment: Attie, Cummings, Grove, Rahme, Sarkis and Zaiter.

The Amendment moved by Councillor Lake seconded by Councillor Elmore then became the motion as follows:

Motion (Lake/Elmore)

That Council:

1. Note the submissions received on the planning controls strategy for Auburn and Lidcombe Town Centres.
2. Council hold a workshop to consider the effect of any design excellence provision to be included in the Cumberland Local Environmental Plan on proposed planning controls for the Auburn and Lidcombe Town Centres.
3. Council then resolve the effect of this provision as outlined in Recommendation 1.
4. In accordance with Council resolution 21.12.16, the Draft Auburn and Lidcombe Town Centres Strategy and submissions received be reported to the Cumberland Local Planning Panel for consideration and recommendation to Council.
5. A site visit of the Auburn Town Centre and a site visit of the Lidcombe Town Centre be held with reference to the draft strategy.

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6. The Auburn Town Centre Strategy and the Lidcombe Town Centre Strategy be reported to Council separately.

The motion moved by Councillor Lake seconded by Councillor Elmore on being Put was declared CARRIED to become the resolution of Council.

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: Campbell, Christou, Elmore, Garrard, Grove, Hamed, Huang, Lake and Saha.

Councillor(s) Against the Motion: Attie, Cummings, Rahme, Sarkis and Zaiter.

Councillor Zaiter left the Meeting at 7:34pm and returned to the Meeting at 7:37pm during the consideration of this item.

Councillor Christou left the Meeting at 7:42pm and returned to the Meeting at 7:44pm during the consideration of this item.

Councillor Sarkis left the Meeting at 7:57pm and returned to the Meeting at 7:59pm during the consideration of this item.

Councillor Rahme left the Meeting at 7:59pm and returned to the Meeting at 8:07pm during the consideration of this item.

Councillor Grove left the Meeting at 8:04pm and returned to the Meeting at 8:09pm during the consideration of this item.

Councillor Zaiter left the Meeting at 8:06pm and returned to the Meeting at 8:07pm during the consideration of this item.

Councillor Rahme left the Meeting at 8:11pm and returned to the Meeting at 8:16pm during the consideration of this item.

Councillor Hamed left the Meeting at 8:12pm and returned to the Meeting at 8:16pm during the consideration of this item.

Min.492 C04/19-65 264 Woodville Road, Merrylands (Former John Cootes Site): Update on Draft Development Control Plan and Voluntary Planning Agreement Offer

Note: Councillor Zaiter exited the Chamber at 8:42pm during the consideration of this item as he had declared a significant, non-pecuniary interest in this item.

Resolved (Attie/Garrard)

That Council note the status of the draft Development Control Plan and Voluntary Planning Agreement offer for the planning proposal at 264 Woodville Road, Merrylands (former John Cootes site).

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, Campbell, Christou, Cummings, Elmore, Garrard, Grove, Hamed, Huang, Lake, Rahme, Saha, Sarkis and Zreika.

Councillor(s) Against the Motion: Nil

Councillor Zreika returned to the Meeting at 8:42pm for the consideration of this item.

C04/19-66 Planning Proposal Request - 300 Manchester Road, Auburn

Note: The Planning Proposal was withdrawn by the proponent and the Mayor read out an excerpt of their email to Council for the benefit of the Chamber.

This item was withdrawn by the General Manager.

Min.493 Closed Session

Resolved (Attie/Cummings)

At this stage of the meeting being 8:46pm, 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.494 Open Session**Resolved (Attie/Elmore)**

Council returned to Open Session at 9:04pm to resolve the below Confidential Item:

C04/19-67 Notice of Motion - Granville Boundary Adjustment

Min.495 C04/19-67 Notice of Motion - Granville Boundary Adjustment

Note: Councillor Grove exited the Chamber at 8:44pm prior to the consideration of this item as he had declared a pecuniary interest in this item.

Resolved (Hamed/Attie)

That Council:

1. Note the significant level of high rise development occurring on the northern side of the railway line at Granville in the City of Parramatta arising from the Parramatta Road Urban Transformation Strategy.
2. Note that the residents of these buildings will inevitably use the community facilities (pool, community centre, library and parks) provided by Cumberland Council in Granville and that Cumberland Council will receive no rates and no developer contributions from these developments.
3. Note that during the Council amalgamation process both the former Auburn and Holroyd Councils made a submission to the Delegate reviewing the proposed amalgamation advocating that the boundary of Cumberland Council at Granville should be the M4.
4. Note that the Parramatta Council submission to the Delegate reviewing the proposed amalgamation proposed that the boundary between Cumberland Council and the City of Parramatta at Granville should be Parramatta Road.
5. Agree that the process required under Section 218E of the Local Government Act to amend the boundary between Cumberland Council and the City of Parramatta at Granville to the M4 be commenced.
6. Write to the City of Parramatta outlining Cumberland Council's concerns about the boundary at Granville and seek the City of Parramatta's support for a submission under Section 218E of the Local Government Act to amend the boundary between Cumberland Council and the City of Parramatta at Granville to the M4.
7. Seek information about any asbestos contamination in the area bounded by Kemp St, Parramatta Rd, James Ruse Drive, and the M4 and a report be returned to Council on the responsible parties for remediation and the costs to Council if the area is transferred to Cumberland Council.
8. Write to the City of Parramatta Council seeking support for a proposal to the Minister for Local Government to alter the boundary between Cumberland Council and the City of Parramatta Council as follows:
 - a) That the area of the former Holroyd City Council which was bounded by the Great Western Highway, Burnett Street, the M4 Motorway, Pitt Street, Banks Street and Steele Street and which was included in the area of the new City of Parramatta Council when it was constituted on 12 May 2016 be transferred into the area of Cumberland Council.

9. Undertake consultation with affected residents as part of this process.

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, Campbell, Christou, Cummings, Elmore, Hamed, Huang, Lake, Saha, Zaiter and Zreika.

Councillor(s) Against the Motion: Garrard, Rahme and Sarkis.

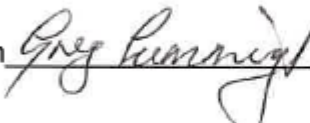

Min.496 Leave of Absence – Councillor Sarkis

Note: Councillor Sarkis requested Leave of Absence for the Council Meeting to be held on 1 May 2019.

Resolved (Garrard/Zreika)

That Councillor Sarkis be granted Leave of Absence for the Council Meeting to be held on 1 May 2019.

The Mayor, Councillor Cummings closed the meeting at 9:09pm.

Chairperson  General Manager 

C04/19- 59 - Amendments to Draft Code of Meeting Practice – Attachment A

Clause	Omit	Insert	Reason
Title Page	Model Code of Meeting Practice for Local Councils in NSW	Draft Code of Meeting Practice	
1. Introduction	Entire section	Some introductory words relevant to Council's CoMP	This document is not the Model Code but is Council's Code
3.17	3.18	3.16	Correct internal clause reference
3.26	3.27	3.25	Correct internal clause reference
3.27	3.28(a)	3.26	Correct internal clause reference
3.28	3.27(a)	3.26	Correct internal clause reference
4.6	No more than 2 speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.	"speakers will be asked to speak in the alternative views of for and against"	Clarified for further fairness and transparency for public speakers.
4.7	If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the chairperson at their discretion may increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.		Deleted as clause is redundant as clause 4.6 is deleted.
3.29	3.27(b)	3.26(b)	Correct internal clause reference
4.8	"if this is not possible prior to the meeting"	"prior to the meeting, if such a presentation will not be technically possible" "late material may be	Clarity

Clause	Omit	Insert	Reason
		presented at the discretion of the chairperson”	
4.15	“to take the questions on notice”	“take the questions on notice”	Typographical error
5.18	“Council is not responsible for derogatory statements made by members of the public at Council or Committee meeting, whether published by the Council or not”		Matter of law To be considered in the context of particular circumstances
7.1	If the chairperson is the mayor, they are to be addressed as “Mr Mayor” or “Madam Mayor”		Unnecessary (Councillors are not Mr Councillor or Madam Councillor)
7.2	Where the chairperson is not the Mayor, they are to be addressed as either “Mr Chairperson” or “Madam Chairperson”		Unnecessary (Councillors are not Mr Councillor or Madam Councillor)
18.1	“10.00pm or at the conclusion of the item being discussed.”	“10.00pm or if an item being discussed is unfinished at 10.00pm, at the conclusion of that item”	Clarity
18.2	“10.30pm or at the conclusion of the item being discussed.”	“10.30pm or if an item being discussed is unfinished at 10.30pm, at the conclusion of that item”	Clarity