
Minutes of the Council Meeting 19 June 2019

Meeting commenced at 6:30pm

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 (arrived 6:35pm)
Suman Saha	Councillor
Eddy Sarkis	Councillor (arrived 6:36pm)
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	Executive Manager Corporate Services
Carol Karaki	Governance Coordinator
Olivia Shields	Governance Administration Officer

Opening Prayer

The opening prayer was read by Sheik Mohammed Alzoubi from Auburn Islamic Centre.

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

Nil

Declarations of Pecuniary & Non Pecuniary Conflicts of Interest

There were no declarations of interest.

Confirmation of Minutes

Min.548 C06/19-105 Minutes of the Ordinary Meeting of Council - 05 June 2019

Resolved (Garrard/Christou)

That Council confirm the minutes of the Ordinary Meeting of Council held on 5 June 2019.

Min.549 MM06/19-6 Mayoral Minute – Queen’s Birthday 2019 Honours List

Resolved (Cummings)

That a letter be sent to the Honourable Laurie Donald Ferguson and Mr Ralph Edward Heness, congratulating them on being recipients of an Order of Australia Medal in the 2019 Queen’s Birthday Honours List.

Statement by Councillor Grove – Vacating of Elected Office

Councillor Grove advised the Chamber that this would be the last Ordinary Council Meeting he would attend as a Councillor, as he has accepted a position that prohibits him from being an elected Councillor of Cumberland. Councillor Grove thanked the community of Greystanes for their support over the last 11 years, his supporters, his family, the Liberal Party, Cumberland and former Holroyd Councils, both Councillors and staff.

Public Forum:

Speakers on Items on the Council Meeting Agenda

Speaker	Item #	Suburb
Mr Joseph Scuderi	C06/19-112 - Planning Proposal Request for 1-11 Neil Street, Merrylands	Sydney
Mr Gary Chapman	C06/19-112 - Planning Proposal Request for 1-11 Neil Street, Merrylands	Sydney
Mr Mazen Elturk	RES06/19-2 - Notice of Rescission - Planning Proposal - Minimum Lot Area for Low and Medium Dual Occupancy Housing	Greystanes

Min.550 Suspension of Standing Orders

Resolved (Sarkis/Christou)

That in accordance with Clause 1.6 (2) of the Code of Meeting Practice, Council suspend standing orders to allow Items C06/19-112 and RES06/19-2 to be considered at this time of the meeting.

Min.551 C06/19-112 Planning Proposal Request for 1-11 Neil Street, Merrylands

Resolved (Sarkis/Attie)

That Council:

1. Prepare a planning proposal for 1-11 Neil Street, Merrylands, with the following built form controls:
 - Floor Space Ratio of 3.66:1 on the eastern portion of the site; and
 - Height of Building control of 50 metres on the south-eastern portion of the site.
2. Endorse that a planning proposal for 1-11 Neil Street, Merrylands, be forwarded to the Department of Planning, Industry and Environment for a Gateway Determination.

Carried Unanimously

Min.552 RES06/19-2 Notice of Rescission - Planning Proposal - Minimum Lot Area for Low and Medium Dual Occupancy Housing

Rescission Motion (Attie/Sarkis)

Pursuant to Notice, Councillors Attie, Sarkis and Zreika move the following Resolution of Council 5/06/19 (Item C06/19-103) be rescinded:

That Council:

1. Endorse a minimum lot size planning control of 600m² with a 2.5% variance for dual occupancy development across the Cumberland local government area.
2. Endorse the planning proposal and forward it to the Department of Planning, Industry & Environment for finalisation and gazettal of the associated amendments to the Auburn Local Environmental Plan 2010 and the Holroyd Local Environmental Plan 2013.
3. Endorse the resolved minimum lot size planning control for dual occupancy development for inclusion in the new Cumberland Local Environmental Plan.
4. Request a deferral on the Code from the Department of Planning, Industry & Environment until the endorsed minimum lot size for Council comes into effect.

The Rescission Motion moved by Councillor Attie, seconded by Councillor Sarkis on being Put was declared Lost.

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 Rescission: Attie, Grove, Rahme, Sarkis, Zaiter and Zreika.

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

Councillor Sarkis left the Meeting at 7:15pm and returned to the Meeting at 7:17pm during the consideration of this item.

Min.553 Items by Exception

Resolved (Christou/Sarkis)

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

That item numbers C06/19-106, C06/19-107, C06/19-108, C06/19-109, C06/19-110, C06/19-111, C06/19-113, C06/19-114, C06/19-116, C06/19-117, C06/19-118 and C06/19-120 be moved in bulk.

Councillor Rahme left the Meeting at 7:44pm during the consideration of this item.

Min.554 C06/19-106 Adoption of the Operational Plan and Fees and Charges for 2019-20 - Post Exhibition

Resolved (Christou/Sarkis)

That Council adopt the Operational Plan and Fees and Charges for 2019-2020.

Min.555 C06/19-107 Making Rates and Fixing Charges 2019/20

Resolved (Christou/Sarkis)

1. That Council makes the Rates and Charges for the following rating structures for the 2019/2020 rating year in accordance with Chapter 15, parts 4 and 5 of the Local Government Act 1993: and adopt the overdue Rates and Charges interest rate of 7.5%.

Former Auburn City Council Rate Path

An ordinary residential rate of zero point one four seven two five nine (0.147259) cents in the dollar on the land value of all rateable land categorised as Residential in the former Auburn City Council. The minimum ordinary rate shall be five hundred and seventy ninety five dollars and fifty five cents (\$579.55) per assessment be made and levied for the rating year 1 July 2019 to 30 June 2020.

An ordinary business amount shall be zero point five two three four zero five (0.523405) cents in the dollar applied to the land value on all parcels of Business in the former Auburn City Council. The minimum ordinary rate shall be five hundred and seventy nine dollars and fifty five cents (\$579.55) per assessment be made and levied for the rating year 1 July 2019 to 30 June 2020.

Former Holroyd City Council Rate Path

An ordinary residential rate of zero point one two zero zero two nine (0.120029) cents in the dollar on the land value of all rateable land categorised as Residential in the former Holroyd City Council, together with a residential base rate of \$503.21 per assessment be made and levied for the rating year of 1 July 2019 to 30 June 2020.

An ordinary business rate of zero point seven zero two nine seven six (0.702976) cents in the dollar on the value of all rateable land categorised as Business in the former Holroyd City Council, subject to a minimum charge of \$1,206.68 per assessment be made and levied for the rating year 1 July 2019 to 30 June 2020.

A special infrastructure rate of zero point zero one four seven zero four (0.014704) cents in the dollar on the land value of all rateable land categorised as Residential in the former Holroyd City Council and levied for the rating year 1 July 2019 to 30 June 2020.

A special infrastructure rate of zero point zero four three four three five (0.043435) cents in the dollar on the land value of all rateable land categorised as Business in the former Holroyd City Council be made and levied for the rating year 1 July 2019 and 30 June 2020.

Former Parramatta City Council Rate Path

An ordinary residential rate of zero point one four zero five six six (0.140566) cents in the dollar on the land value of all rateable land categorised as Residential in the former Parramatta City Council. The minimum ordinary rate shall be six hundred and ninety dollars and fourteen cents (\$690.14) per assessment be made and levied for the rating year 1 July 2019 to 30 June 2020.

An ordinary business amount shall be zero point seven one zero four one nine (0.710419) cents in the dollar applied to the value of all rateable land categorised as Business General under the former Parramatta City Council. The minimum ordinary rate shall be seven hundred and four dollars and fifty two cents (\$704.52) per assessment be made and levied for the rating year 1 July 2019 to 30 June 2020.

An industrial business amount shall be one point two zero three seven one three (1.203713) cents in the dollar applied to the land value of all rateable land categorised as Business ICA under the former Parramatta City Council. The minimum ordinary rate shall be seven hundred and four dollars and fifty two cents (\$704.52) per assessment be made and levied for the rating year 1 July 2019 to 30 June 2020.

An Open Space and Acquisition Embellishment special rate amount shall be zero point zero zero five two four two (0.005242) cents in the dollar applied to the land value on all parcels of rateable land categorised under the former Parramatta City Council. Together with a base rate of \$25.32 per assessment be made and levied for the rating year of 1 July 2019 to 30 June 2020.

A Suburban Infrastructure Special rate amount shall be zero point zero zero seven two three seven (0.007237) cents in the dollar applied to the land value on all parcels of rateable land categorised under the former Parramatta City Council. Together with a base rate of \$11.65 per assessment be made and levied for the rating year of 1 July 2019 to 30 June 2020.

2. That the short names of each form of rate and charge pursuant to Section 453 of the Act, shall be as follows:

Ordinary Rates

- Res Ord Rate
- Res Base Amt
- Res Min Rate
- Bus Ord Rate
- Bus Min Rate
- Bus Ind Rate

Special Rates

- O. S. A. & E. Spec Rate
- Suburban Infrastructure Spec Rate

Stormwater Management Service Charges

- Stormwater Management Service Charges for residential and business parcels of land shall be known by the name of Stormwater Management Charge.
- Waste Management Service Charges for residential rateable land shall be known by the name of DWM Charge.

CUMBERLAND COUNCIL PENSIONER REBATE POLICY

Former Auburn Council Rate Path

That pensioner rate rebates continue to apply with eligible pensioners receiving a rebate on their Rates and Domestic Waste Management Charge, to a maximum of \$250.00

Former Holroyd Council Rate Path

That pensioner rate rebates continue to apply with eligible pensioners receiving a rebate on their Rates and Domestic Waste Management Charge, to a maximum of \$250.00, plus an additional pensioner voluntary rebate of \$15.00 per assessment in accordance with former Holroyd City Council's policy.

Former Parramatta City Council Rate Path

That pensioner rate rebates continue to apply with eligible pensioners receiving a rebate on their Rates and Domestic Waste Management Charge, to a maximum of \$250.00, plus an additional \$100.00 to eligible pensioners in accordance with former Parramatta City Council's policy.

3. That the following Stormwater Management Levy be adopted:

Former Auburn City Council rate path

Residential non-strata	\$25 per property
Residential strata	\$12.50 per property

Business Stormwater

Land areas less than 1,200 sqm	\$25 per property
Land area greater than or equal to 1,200 sqm and less than 5,000 sqm	\$100 per property
Land area greater than or equal to 5,000 sqm and less than 10,000 sqm	\$375 per property
Land area greater than or equal to	\$725 per property

10,000 sqm

Business Strata Stormwater

Minimum	\$5 per property
Per strata business property apportioned equally to each lot within the strata complex with an area less than 1,200 sqm	\$25 per property
Per strata business property apportioned equally to each lot within the strata complex with an area greater than or equal to 1,200 sqm and less than 5,000 sqm	\$100 per property
Per strata business property apportioned equally to each lot within the strata complex with an area greater than or equal to 5,000 sqm and less than 10,000 sqm	\$375 per property
Per strata business property apportioned equally to each lot within the strata complex with an area greater than or equal to 10,000 sqm	\$725 per property

Former Holroyd City Council and Parramatta City Council Rate Path

Residential	\$25 per property
Residential (Strata lots)	\$12.50 per Strata Unit
Business	\$25 per 350 sqm capped at \$500 per property maximum
Business (Strata lots)	\$12.50 per Strata Unit

4. That Council include in the Draft 2019/2020 Operational Budget the following Domestic Waste/ Recycling Service Charge for 2019/2020:

240L garbage bin, 240L green waste and 240L recycling bin (single unit dwellings only)	Service	\$626
240L garbage waste bin and 240L recycling bin (former Holroyd only)	Service	\$492
120L/140L garbage bin, 240L green waste and 240L recycling bin	Service	\$446
120L/140L garbage bin, 240L recycling bin (strata properties only)	Service	\$426
Availability charge	Service	\$150
Additional 240L recycling bin	Service	\$80
Additional 240L green waste bin	Service	\$80

Min.556 C06/19-108 Review of Dividing Fences Policy

Resolved (Christou/Sarkis)

That Council:

1. Approve the revised Dividing Fences Hardship Policy being placed on public exhibition for 28 days, inclusive of the amendments as tabled at the Council Meeting.
2. Adopt the Policy post exhibition if no adverse submissions are received.

**Min.557 C06/19-109 Parramatta Road Urban Amenity Improvement Program
- Land Acquisition for Auburn Park Expansion**

Resolved (Christou/Sarkis)

That Council:

1. Endorse the acquisitions of 45, 47, 49 and 55 Karrabah Road, Auburn by compulsory process for the purposes of expanding Auburn Park.
2. Approve and authorise the necessary application to be made to the Minister for Local Government and the Governor.
3. Delegate authority to the General Manager to execute all documents associated with the acquisition of these properties.
4. Give public notice of its intention to classify all seven properties (43, 45, 47, 49, 51, 53 and 55 Karrabah Road, Auburn) as Community Land in accordance with the provisions of section 34 of the *Local Government Act 1993* and make the classification if no adverse submissions are received.

Min.558 C06/19-110 Investment Report - May 2019

Resolved (Christou/Sarkis)

That Council receive the May 2019 Investment Report.

**Min.559 C06/19-111 Draft Cumberland 2030: Our Local Strategic Planning
Statement**

Resolved (Christou/Sarkis)

That Council place the *Draft Cumberland 2030: Our Local Strategic Planning Statement* on public exhibition, with a report to be provided back to Council following the conclusion of the exhibition period.

**Min.560 C06/19-113 Road Naming Report - New Public Roads Proposed
Within The Neil Street Precinct**

Resolved (Christou/Sarkis)

That Council:

1. Adopt the new road names for the Neil Street Precinct, Merrylands.
2. Gazette the new road names of McLeod Road and Dressler Way.

**Min.561 C06/19-114 Road Naming Report - New Public Roads Proposed
Within the Subdivision Of Lot 12 Dp 1175686, Palmer Street,
Guildford West**

Resolved (Christou/Sarkis)

That Council:

1. Adopt the new road names for the subdivision of Lot 12 1175686 Palmer Street, Guildford West.
2. Gazette the new road names of Cottage Circuit for New Road 1 and Basin Parkway for New Road 2.

**Min.562 C06/19-116 Response to Notice of Motion - (Min. 378 C12/18-254)
Progress Park Toilet Block**

Resolved (Christou/Sarkis)

That Council receive and note the report.

**Min.563 C06/19-117 Resident Request for Hardship Assistance - Dividing
Fence Adjoining Council Land**

Resolved (Christou/Sarkis)

That Council:

1. Approve financial support to Mr and Mrs Gee in addition to their approved financial hardship application under the *Dividing Fences Policy*.
2. Contribute a total maximum of 25% of the cost of the new fence erected, reflecting a total additional contribution of \$1963.75 to the existing approved hardship application of \$1,000.
3. Following public notice, grant the financial assistance request.

Min.564 C06/19-118 Proposed Expansion of TPG Contract - Private Cloud Infrastructure as a service

Resolved (Christou/Sarkis)

That Council:

1. Approve an exemption to calling tenders in accordance with s.55 (3)(i) of the *Local Government Act 1993*, as a satisfactory result would not be achieved by inviting tenders as the services required are specialised and exclusively provided by Council's incumbent provider for internet services across all Council's sites.
2. Approve the expansion of Council's existing contract with TPG Internet ABN 15 068 383 737 to a total additional value of \$1,000,620 ex GST over 5 years; and
3. Delegate authority to the General Manager to execute the contract.

Min.565 C06/19-120 Operational Agreement for the Auburn Ruth Everuss Aquatic Centre

Resolved (Christou/Sarkis)

That Council:

1. Approve an exemption to calling tenders in accordance with s.55 (3)(i) of the *Local Government Act 1993*, as a satisfactory result would not be achieved by inviting tenders as the number of potential competitive tenderers are limited, due to the short contract term and required transitional management arrangements.
2. Approve the extension of Council's existing contract with Belgravia Health & Leisure Group (The Trustee for Belgravia Leisure Unit Trust ABN: 18 118 940 063) for 3 years in accordance with Option 1, for the total amount of \$976,312.
3. Delegate authority to the General Manager to execute the contract.

Min.566 C06/19-115 Proposed Closure of Benaud Street laneway, Greystanes

Resolved (Sarkis/Garrard)

That Council:

1. Undertake a consultation process with potentially affected residents as detailed within this report, in relation to the proposed closure of the pedestrian laneway at the eastern end of Benaud Street, Greystanes.
2. Report back to Council on the outcome of community consultation, with a recommendation as to whether Council should consider proceeding with the formal notification process under s.38B of the *Roads Act 1993*.

Councillor Rahme returned to the Meeting at 7:49pm during the consideration of this item.

Councillor Saha left the Meeting at 7:52pm and returned to the Meeting at 7:53pm during the consideration of this item.

Min.567 Closed Session

Resolved (Sarkis/Christou)

At this stage of the meeting being 8:04pm, 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.568 Open Session

Resolved (Sarkis/Saha)

Council returned to Open Session at 8:05pm to resolve the below Confidential Item:
C06/19-119 Response to Notice of Motion - Cumberland Council Administration Building

Min.569 C06/19-119 Response to Notice of Motion - Cumberland Council Administration Building

Resolved (Christou/Attie)

That Council:

1. Note the report of 18 July 2018, noting the existing Council Administration site in Merrylands and the commuter carpark site in Granville as the two potential locations identified for the development of a new Cumberland Council Administration Building.
2. That a workshop be held with Council as soon as practicable to further discuss this matter, with a report to be returned to Council.

Min.570 Leave of Absence – Councillor Sarkis

Note: Councillor Sarkis requested Leave of Absence for the Council Meeting to be held on 3 July 2019.

Resolved (Hamed/Saha)

That Councillor Sarkis be granted Leave of Absence for the Council Meeting to be held on 3 July 2019.

The Mayor, Councillor Cummings closed the meeting at 8:05pm.

Chairperson  General Manager 