
Minutes of the Council Meeting 21 August 2019

Meeting commenced at 6:32pm

Present:

| | |
|-----------------------------|---------------------------------|
| Greg Cummings (Mayor) | Councillor |
| Glenn Elmore (Deputy Mayor) | Councillor |
| Ned Attie | Councillor |
| George Campbell | Councillor |
| Steve Christou | Councillor |
| Paul Garrard | Councillor |
| Ola Hamed | Councillor |
| Kun Huang | Councillor |
| Lisa Lake | Councillor |
| Joseph Rahme | Councillor (arrived 6:39pm) |
| Suman Saha | Councillor |
| Eddy Sarkis | Councillor (arrived 6:35pm) |
| Michael Zaiter | Councillor |
| Tom Zreika | Councillor (arrived 6:35pm) |
| 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 |
| Laith Jammal | Governance Administration Officer |

Opening Prayer

The opening prayer was read by Sheik Mohammed Alzoubi from Auburn Islamic Community 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 past, present and emerging."

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 Mayor, Councillor Cummings 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

Councillor Zaiter declared a non-pecuniary, significant interest in Item C08/19-175 as a client of his firm owns the property offering the Voluntary Planning Agreement. As such, Councillor Zaiter exited the Chamber during the consideration of this item.

Councillor Zreika declared a pecuniary interest in Item C08/19-176 as he owns property in the town centre. As such, Councillor Zreika exited the Chamber during the consideration of this item.

Councillor Huang declared a non-pecuniary less than significant interest in Item C08/19-176 as his parents own a property just outside of the Auburn Town Centre precinct.

The Mayor, Councillor Cummings declared a non-pecuniary, significant interest in Item C08/19-177 as he is a member of the executive committee of one of the sporting clubs which utilise Holroyd Sportsground.

Councillor Christou declared a non-pecuniary, significant interest in Item C08/19-180 as he is the Secretary of the Everley Park Little Athletics Centre. As such, Councillor Christou exited the Chamber during the consideration of this item.

Confirmation of Minutes

**Min.629 C08/19-167 Minutes of the Ordinary Meeting of Council - 7 August
2019**

Resolved (Christou/Garrard)

That Council confirm the minutes of the Ordinary Meeting of Council held on 7 August 2019.

Min.630 Matter of Urgency – Submissions to 2019 LGNSW Business Paper

Resolved (Lake/Elmore)

That in accordance with Clause 9.3(b) of the Cumberland Council Code of Meeting Practice, Standing Orders be suspended to permit the Matter of Urgency in relation to submissions to the 2019 LGNSW Business Paper.

Min.631 Matter of Urgency – Submissions to 2019 LGNSW Business Paper

Resolved (Lake/Elmore)

That Council adopt the following proposed motions for submission to the 2019 LGNSW Business Paper:

- a) Motion: Refugee Settlement
Category: Social and Community
That Local Government NSW calls on the Commonwealth Government to urgently review the current restrictive eligibility requirements for the Status Resolution Support Scheme with a view to restoring access to this program to all people seeking asylum until a resolution of their status is complete.

- b) Motion: Homelessness
Category: Social and Community
That LGNSW advocates for the NSW Government to actively lead and contribute to the implementation of initiatives to combat the homelessness crisis in NSW, including funding for local government to deliver initiatives at the local level.

- c) Motion: NSW State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
Category: Planning
That LGNSW advocates for the NSW Government to review the NSW State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (the Child Care SEPP) and the Child Care Planning Guideline with a view to restoring planning decisions relating to the location, type and design of child care services to local councils.

Min.632 Resumption of Standing Orders

Resolved (Garrard/Sarkis)

That in accordance with Clause 8.2 of the Code of Meeting Practice, Council resume the normal order of business.

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

| Speaker | Item # | Suburb |
|------------------------|--|---------------|
| Mr Andrew Wilson | C08/19-175 Finalisation of the Voluntary Planning Agreement and Development Control Plan for 264 Woodville Road, Merrylands East (former John Cootes site) | Bella Vista |
| Mr Matthew Daniel | C08/19-176 Auburn Town Centre - Planning Controls Strategy | Auburn |
| Mr Tony Oldfield | C08/19-176 Auburn Town Centre - Planning Controls Strategy | Auburn |
| Rev. Graham Nathan Guy | C08/19-176 Auburn Town Centre - Planning Controls Strategy | Auburn |

Councillor Zaiter left the Meeting at 6:45pm and returned to the Meeting at 6:46pm during Public Forum.

Min.633 Suspension of Standing Orders**Resolved (Sarkis/Attie)**

That in accordance with Clause 8.2 of the Code of Meeting Practice, Council suspend standing orders to allow Items C08/19-175 and C08/19-176 to be considered at this time of the meeting.

Min.634 C08/19-175 Finalisation of the Voluntary Planning Agreement and Development Control Plan for 264 Woodville Road, Merrylands East (former John Cootes site)

Note: Councillor Zaiter exited the Chamber at 7:14pm during the consideration of this item and returned to the Chamber at 7:16pm following the consideration of this Item as he had declared a significant, non-pecuniary interest in this item.

Resolved (Sarkis/Attie)

That Council:

1. Note the matters raised in submissions received during the exhibition of the draft Voluntary Planning Agreement and revised draft Development Control Plan;
2. Endorse and delegate authority to the Mayor and General Manager to execute the Voluntary Planning Agreement on behalf of Council for 246-264 Woodville Road, 2-4, 6, 8-8A, 10-12 and 14-16 Lansdowne Street, and Highland Street, Merrylands East, as provided in Attachment 1;
3. Adopt the revised site specific Development Control Plan as an amendment to the Parramatta Development Control Plan 2011, as provided in Attachment 3,

with the Development Control Plan coming into effect on the date of notification (gazettal) of the Local Environmental Plan amendment;

4. Delegate to the General Manager the authority to make minor, non-policy corrections or formatting changes to the draft Development Control Plan controls, if required, prior to it coming into effect; and
5. Note that the finalisation of the planning proposal and gazettal of the Local Environmental Plan amendment will be undertaken by the Department of Planning, Industry and Environment once the Voluntary Planning Agreement has been executed and registered on title.

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, Hamed, Huang, Lake, Rahme, Saha, Sarkis and Zreika.

Councillor(s) Against the Motion: Nil

Min.635 C08/19-176 Auburn Town Centre - Planning Controls Strategy

Note: Councillor Zreika exited the Chamber at 7:16pm during the consideration of this item and returned to the Chamber at 7:37pm following the consideration of this item as he had declared a pecuniary interest in this item.

Motion (Attie/Zaiter)

That Council:

1. Endorse the proposed planning controls for the Auburn Town Centre as outlined in Attachment 1, which are supported by the Cumberland Local Planning Panel; and
2. Note that the above item will be included in the planning proposal for the new Cumberland Local Environmental Plan.

Amendment (Campbell/Hamed)

That Council:

1. Endorse the proposed planning controls for the Auburn Town Centre as outlined in Attachment 1 except that, in precincts 1, 2, 3, 9, 13 and 14, reduce the FSR to 3.75:1 while maintaining the current Auburn LEP maximum height limits for those precincts.
2. Note that the above item will be included in the planning proposal for the new Cumberland Local Environmental Plan.

The Amendment moved by Councillor Campbell seconded by Councillor Hamed on being Put to the meeting 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 Amendment: Campbell, Christou, Garrard and Hamed.

Councillor(s) Against the Amendment: Attie, Cummings, Elmore, Huang, Lake, Rahme, Saha, Sarkis and Zaiter.

The motion moved by Councillor Attie 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 Motion: Attie, Christou, Cummings, Elmore, Hamed, Huang, Lake, Rahme, Saha, Sarkis and Zaiter.

Councillor(s) Against the Motion: Campbell and Garrard.

Min.636 Resumption of Standing Orders

Resolved (Sarkis/Zaiter)

That in accordance with Clause 8.2 of the Code of Meeting Practice, Council resume the normal order of business.

Min.637 Items by Exception

Resolved (Sarkis/Zreika)

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

That item numbers C08/19-168, C08/19-169, C08/19-170, C08/19-172, C08/19-177, C08/19-184 and C08/19-185 be moved in bulk.

Councillors Rahme and Zaiter left the Meeting at 7:38pm during the consideration of this Item.

Min.638 C08/19-168 Legal Report

Resolved (Sarkis/Zreika)

That Council receive this report.

Min.639 C08/19-169 Quarter 4 Performance Report on the Operational Plan 2018-19

Resolved (Sarkis/Zreika)

That Council receive the Quarter Four Performance Report on the Operational Plan 2018-19.

Min.640 C08/19-170 Report on Outstanding Council Resolutions and Councillor Attendance

Resolved (Sarkis/Zreika)

That Council receive the report.

Min.641 C08/19-172 Investment Report - July 2019

Resolved (Sarkis/Zreika)

That Council receive the July 2019 Investment Report.

Min.642 C08/19-177 Draft Holroyd Sports Ground Plan of Management

Resolved (Sarkis/Zreika)

That Council adopt the Holroyd Sports Ground Plan of Management incorporating the Holroyd Sports Ground Landscape Masterplan, as included in Attachment 1 and 2 of this report.

Min.643 C08/19-184 Preventative Maintenance Works Tender (T-2018-052)

Resolved (Sarkis/Zreika)

That Council:

1. Accept the Tender Evaluation Panel's recommendation to award the contract to the following contractors in accordance with Clause 178(1)(a) of the Local Government (General) Regulations 2005, for an initial contract term of two years.
 - a. Electrical – Hix Group Pty Ltd. (Annual Contract Value - \$96,148)
 - b. Mechanical – Noppen Air Pty Ltd. (Annual Contract Value - \$126,280)
 - c. Plumbing – Hix Group Pty Ltd. (Annual Contract Value - \$385,445)
 - d. Fire - Firecorp Australia Pty Ltd. (Annual Contract Value - \$138,454)
 - e. Lift - Kone Australia Pty Ltd. (Annual Contract Value - \$80,323)
 - f. Horticulture - Asplundh Tree Expert (Annual Contract Value - \$284,339)

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2. Delegate to the General Manager the authority to execute the contract and any associated documents.
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Min.644 C08/19-185 Reactive & Minor Projects Works Tender (T-2018-051)

Resolved (Sarkis/Zreika)

That Council:

1. Accept the Tender Evaluation Panel's recommendation to award this whole of Council (Parks, Recreation & Facilities, City Services) panel contract for two (2) years in accordance with Clause 178(1)(a) of the Local Government (General) Regulations 2005 for the following trade categories and specified Contractors:
 - a) Reactive minor works capped up to the value of \$20,000 per task based on schedule of rates, materials and mark up; and
 - b) Project works up to the value of \$250,000 sourced through a competitive bidding process from within the panel, per trade category.

Building & Associated Works:

- ProGroup Management
- Avant Constructions
- Acron Building Services
- Matrix Group
- Ultra-Building Works
- Programmed Property Services
- Every Trade Services
- Core Integrated Solutions
- John Gilet Building Pty Ltd.

Electrical Works:

- ProGroup Management Pty Ltd.
- Stowe Australia

Plumbing

- Prime Water Aust Ltd.
- Hix Group Pty Ltd.

Fire

- ProGroup Management Pty Ltd.
- Firecorp Australia Pty Ltd.

Landscaping

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- Matrix Group Co Pty Ltd.
 - Programmed (Building) Property Services
2. Delegate to the General Manager the authority to execute the contracts and any associated documents.
 3. Decline to accept any of the tenders for Mechanical Services, in accordance with Clause 178(1)(b) of the Local Government (General) Regulations 2005, due to the limited responses not all sufficiently demonstrating a satisfactory Tender proposal to form an adequate number of Contractors for the service category.
 - (a) In accordance with Clause 178(3) of the Local Government (General) Regulations 2005, resolve to invite fresh tenders in accordance with clause 167, 168 or 169 of the Local Government (General) Regulations 2005, based on the same or different details, to achieve a competitive and advantageous contract/project delivery that represents value for money for Council.

**Min.645 C08/19-171 IPART Review of the Local Government Rating System
– Consultation 2019**

Resolved (Lake/Attie)

That Council:

1. Note the information contained in this report.
2. Defer the matter to the 4 September 2019 Council Meeting, with a workshop to be held in the interim.

C08/19-172 Investment Report - July 2019

This item was dealt with earlier in the meeting.

**Min.646 C08/19-173 Response to Notice of Motion - Ramadan Street Food
Festival 2019**

Resolved (Zreika/Hamed)

That Council:

1. Include the Ramadan Street Food Festival in the 2019/20 Major Events Program, based on the success of the inaugural event in 2019.
2. Reallocate an additional \$20,000 from within the approved 2019/2020 events budget to fund an expanded event footprint for the Ramadan Street Food Festival in 2020.
3. Approve the associated road closures for the event, subject to the concurrence of the Traffic Committee.

Min.647 C08/19-174 Road Naming Proposal for Margaret Street, Mays Hill

Resolved (Sarkis/Rahme)

That Council:

1. No longer seek to rename Margaret Street, Mays Hill, to Margaret Street North and Margaret Street South.
2. Consider the application of unique road names for the two segments of Margaret Street located south of the M4 Motorway.

Councillors Rahme and Zaiter returned to the Meeting at 7:45pm during the consideration of this Item.

C08/19-175 Finalisation of the Voluntary Planning Agreement and Development Control Plan for 264 Woodville Road, Merrylands East (former John Cootes site)

This item was dealt with earlier in the meeting.

C08/19-176 Auburn Town Centre - Planning Controls Strategy

This item was dealt with earlier in the meeting.

C08/19-177 Draft Holroyd Sports Ground Plan of Management

This item was dealt with earlier in the meeting.

Min.648 C08/19-178 Notice of Motion - Service Centres at Council Libraries and Community Centres

Resolved (Huang/Saha)

That Council provide a report in relation to the current administrative services offered at Council's customer service centres, community centres and libraries across the Cumberland Local Government Area.

Min.649 C08/19-179 Notice of Motion – Cumberland Council Multicultural Language Services

Resolved (Huang/Saha)

That Council:

1. Provide a report on the feasibility and costs associated with the establishment of a Council operated call service that allows residents to dial the customer services

number and select their language prior to connecting to a customer service representative.

2. Focus on the top 5 regional languages within the Cumberland LGA when providing this report.

Min.650 C08/19-180 Notice of Motion - South Granville Infrastructure Work

Note: Councillor Christou exited the Chamber at 8:13pm during the consideration of this item and returned to the Chamber at 8:30pm following the consideration of this Item as he had declared a non-pecuniary, significant interest in this item.

Resolved (Zreika/Garrard)

That in financial year 2019/20, Council:

1. Endorse the construction of footpaths where no footpaths currently exist in the South Granville ward, within the boundaries of the former Woodville Ward of Parramatta City Council, and the projected budget of \$2,500,000 be included in this year's capital works program.
2. Upgrade the streetscape and improve the landscape with new street furniture and paving at Dellwood Street Shops, at a projected budget of \$700,000.
3. Construct new canteen and clubroom facilities at Everley Park, inclusive of a new clubroom at Everley Park North and new canteen facilities at Everley Park South at a projected budget of \$400,000.
4. Renew and refurbish the cricket nets at Colquhoun Park and Guildford Park at a projected budget of \$100,000.
5. Undertake road widening at Constance Street, South Granville to improve car parking adjacent to the shopping centre at a projected budget of \$350,000.
6. Endorse the above works being funded from available funds within the Woodville ward reserve.

Councillor Rahme left the Meeting at 8:16pm and returned to the Meeting at 8:18pm during the consideration of this Item.

Min.651 C08/19-181 Notice of Motion - Anchor Fees

Resolved (Attie/Rahme)

That:

1. Council investigate the costs of Anchor Fees contained within the Cumberland Council Schedule of Fees and Charges 2019/2020 as compared to other local councils that impose such fees and charges.
2. Council be provided with a report into comparable costs of anchor fees with similar councils.

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3. A fair and equitable cost structure be developed for anchors (similar to Burwood or Canada Bay Councils) and provided to Council for comment or otherwise.

Min.652 Closed Session

Resolved (Sarkis/Attie)

At this stage of the meeting being 8:32pm, 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.*

Councillor Saha left the Meeting at 8:31pm during the consideration of this Item.

Min.653 Open Session

Resolved (Attie/Elmore)

Council returned to Open Session at 8:36pm to resolve the below Confidential Items:

C08/19-182 Property Acquisition - 44 Killeen Street, Auburn

C08/19-183 Property Acquisition - 72 Edgar Street, Auburn

Min.654 C08/19-182 Property Acquisition - 44 Killeen Street, Auburn

Resolved (Attie/Sarkis)

That Council:

1. Authorise the General Manager in consultation with the Mayor to purchase the property at 44 Killeen Street, Auburn.
2. Authorise the General Manager to execute all documents associated with the purchase.
3. Allocate sufficient funds from the Section 7.11 Contributions Public Domain Fund of the *Auburn Development Contribution Plan 2007* to acquire the property at 44 Killeen Street, Auburn.

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4. Give public notice of its intention to classify the land known as Lot 33 DP 6713 as Community Land in accordance with the provisions of Section 34 of the *Local Government Act 1993* and finalise the classification if no adverse submissions are received.
 5. Following the acquisition of 44 Killeen Street, Auburn, allocate funds from general revenue for the demolition and re-vegetation of the properties at 40, 42 and 44 Killeen Street, Auburn.

Councillor Saha returned to the Meeting at 8:34pm during the consideration of this Item.

Min.655 C08/19-183 Property Acquisition - 72 Edgar Street, Auburn**Resolved (Attie/Sarkis)**

That Council:

1. Authorise the General Manager in consultation with the Mayor to purchase the property located at 72 Edgar Street, Auburn.
2. Authorise the General Manager to execute all documents associated with the purchase.
3. Allocate sufficient funds from the Section 7.11 Public Domain Fund of the *Auburn Development Contribution Plan 2007* to acquire the property located at 72 Edgar Street, Auburn.
4. Give public notice of its intention to classify the land known as Lot 39 DP 8800 as Community Land, in accordance with the provisions of Section 34 of the *Local Government Act 1993*, and finalise the classification if no adverse submissions are received.
5. Following the acquisition of 72 Edgar Street, Auburn, allocate funds from general revenue for the demolition and re-vegetation of the property.

C08/19-184 Preventative Maintenance Works Tender (T-2018-052)

This item was dealt with earlier in the meeting.

C08/19-185 Reactive & Minor Projects Works Tender (T-2018-051)

This item was dealt with earlier in the meeting.

The Mayor, Councillor Cummings closed the meeting at 8:38pm.

Chairperson _____ General Manager _____