
Minutes of the Council Meeting 16 October 2019

Meeting commenced at 6:30pm

Present:

Steve Christou (Mayor)	Councillor
Eddy Sarkis (Deputy Mayor)	Councillor
Ned Attie	Councillor
George Campbell	Councillor
Greg Cummings	Councillor
Glenn Elmore	Councillor
Paul Garrard	Councillor
Ola Hamed	Councillor
Kun Huang	Councillor
Lisa Lake	Councillor
Joseph Rahme	Councillor
Suman Saha	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:

Colin McFadzean	Legal Counsel
Charlie Ayoub	Executive Manager Corporate Services
Carol Karaki	Governance Coordinator
Laith Jammal	Governance Officer

Opening Prayer

The opening prayer was read by Assistant Minister Edward Conteh from Auburn Salvation Army.

Acknowledgement of Country

The Mayor, Councillor Christou 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 Christou 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 Christou 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

The Mayor, Councillor Christou declared a significant, non-pecuniary interest in Item C10/19-252 as a resident close to the proposal is well known to him. As such, the Mayor exited the Chamber during the consideration of this item.

Confirmation of Minutes

Min.724 C10/19-237 Minutes of the Ordinary Meeting of Council - 02 October 2019

Resolved (Garrard/Sarkis)

That Council confirm the minutes of the Ordinary Meeting of Council held on 2 October 2019.

Public Forum:

Speakers on Items on the Council Meeting Agenda

Speaker	Item #	Suburb
Mr Terry Tisdale	C10/19-252 Proposed Closure of Benaud Street Laneway, Greystanes - Consultation Report	Greystanes
Mrs Katie Sevingen	C10/19-252 Proposed Closure of Benaud Street Laneway, Greystanes - Consultation Report	Greystanes
Ms Denise Walsh	C10/19-252 Proposed Closure of Benaud Street Laneway, Greystanes - Consultation Report	Greystanes
Mr Rishikesh Akolkar	C10/19-254 Notice of Motion - Fire Safety	Pendle Hill
Mr Kevin Horne	C10/19-255 Notice of Motion - Council Committees	Wentworthville
Mr Roydon Ng	C10/19-255 Notice of Motion - Council Committees	Lidcombe

Mrs Robyn Main	C10/19-255 Notice of Motion - Council Committees	Wentworthville
Dr John Brodie	C10/19-255 Notice of Motion - Council Committees	Guildford
Mrs Margaret Chapman	C10/19-255 Notice of Motion - Council Committees	Wentworthville

Councillor Saha left the Meeting at 6:54pm and returned to the Meeting at 6:57pm during Public Forum.

Councillor Rahme left the Meeting at 6:55pm and returned to the Meeting at 6:59pm during Public Forum.

Councillor Sarkis left the Meeting at 7:10pm and returned to the Meeting at 7:14pm during Public Forum.

Min.725 Suspension of Standing Orders**Resolved (Sarkis/Cummings)**

That in accordance with Clause 8.2 of the Code of Meeting Practice, Council suspend standing orders to allow Items C10/19-252, C10/19-254 and C10/19-255 to be brought forward for consideration at this time of the Meeting.

Min.726 C10/19-252 Proposed Closure of Benaud Street Laneway, Greystanes - Consultation Report

Note: The Mayor, Councillor Christou exited the Chamber at 7:22pm during the consideration of this item as he had declared a significant, non- pecuniary interest in this item. The Deputy Mayor, Councillor Sarkis assumed the Chair accordingly.

Resolved (Attie/Elmore)

That Council:

1. Not support the closure of the pedestrian laneway at the eastern end of Benaud Street, Greystanes that connects through to Cumberland Road.
2. Undertake a site assessment of the laneway to determine if any further safety measures are warranted and feasible, including exploring the possibility of time activated gates.
3. Notify affected residents of the outcome.

The Mayor, Councillor Christou assumed the Chair at 7:32pm following the consideration of this item.

Min.727 C10/19-254 Notice of Motion - Fire Safety

Motion (Saha/Lake)

That Council:

1. Prepare a report detailing the Fire Safety Programs developed to mitigate the identified risk to persons residing in and visiting high rise residential buildings in the Cumberland LGA; and
2. Prepare a report detailing the implementation of the Fire Safety Programs.

The Motion moved by Councillor Saha seconded by Councillor Lake on being Put was declared LOST on the casting vote of the Mayor.

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, Cummings, Elmore, Hamed, Huang, Lake and Saha.

Councillor(s) Against the Motion: Attie, Christou, Garrard, Rahme, Sarkis, Zaiter and Zreika.

Min.728 C10/19-255 Notice of Motion - Council Committees

Motion (Attie/Garrard)

That Council:

1. Combine the Access Committee and Community Safety Committee to form the Access and Safety Committee;
2. Abolish the following Committees:
 - a. Arts Advisory Committee;
 - b. Culturally & Linguistically Diverse (CALD) Advisory Committee;
 - c. Library Committee; and
 - d. Companion Animals Advisory Committee.
3. Amend the terms of reference for remaining committees with the exception of Civic Risk Mutual, Civic Risk Metro (Which remain as the Mayor or nominee & General Manager) and Wentworthville Community Garden Committee (Which will become 1 Ward Councillor) to have a maximum of 2 Councillors as representatives.

Motion of Dissent

During the debate on the matter, Councillor Lake raised a Point of Order on the basis that she was of the opinion that the Motion as it reads cannot be enacted as it requires further clarification.

The Motion of Dissent on being put and declared LOST on the casting vote of the Mayor.

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, Cummings, Elmore, Hamed, Huang, Lake and Saha.

Councillor(s) Against the Motion: Attie, Christou, Garrard, Rahme, Sarkis, Zaiter and Zreika.

Motion – Committee of the Whole (Campbell/Hamed)

During the debate on the matter, Councillor Campbell moved a motion that Council move into a Committee of the Whole to consider this item.

The Motion on being put and 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 Motion: Campbell, Elmore, Hamed, Huang, Lake and Saha.

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

Debate was then resumed on the Item.

Amendment (Campbell/Saha)

That point one be omitted from the Motion.

The Amendment moved by Councillor Campbell seconded by Councillor Saha on being Put was declared LOST on the casting vote of the Mayor.

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, Cummings, Elmore, Hamed, Huang, Lake and Saha.

Councillor(s) Against the Amendment: Attie, Christou, Garrard, Rahme, Sarkis, Zaiter and Zreika.

The Motion moved by Councillor Attie seconded by Councillor Garrard on being Put was declared CARRIED on the casting vote of the Mayor 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: Attie, Christou, Garrard, Rahme, Sarkis, Zaiter and Zreika.

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

Min.729 Resumption of Standing Orders

Resolved (Attie/Cummings)

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

Min.730 Items by Exception

Resolved (Attie/Cummings)

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

That item numbers C10/19-238, C10/19-239, C10/19-242, C10/19-245, C10/19-246, C10/19-249, C10/19-258, C10/19-259 and C10/19-260 be moved in bulk.

Councillor Huang left the Meeting at 9:11pm and returned to the Meeting at 9:22pm during the consideration of this item.

Councillor Zaiter left the Meeting at 9:15pm and returned to the Meeting at 9:20pm during the consideration of this item.

Councillor Rahme left the Meeting at 9:15pm and returned to the Meeting at 9:21pm during the consideration of this item.

Min.731 C10/19-238 Legal Report

Resolved (Attie/Cummings)

That Council receive this report.

Min.732 C10/19-239 Proposed Christmas/New Year Operations 2019 - 2020

Resolved (Attie/Cummings)

That Council:

1. Endorse the implementation of the operational arrangements outlined in this report for the 2019/20 Christmas/New Year period and that these details be published to the community; and

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2. In accordance with Section 377 of the Local Government Act 1993, delegate authority to the Mayor and General Manager or in their absence, to the persons acting in these roles, during the period of Council recess to jointly exercise the powers, authorities, duties and functions of Council which cannot reasonably be deferred to the first ordinary Council meeting following the Council recess. This period:
- a) Commencing at midnight on the day of the Council meeting held immediately before the recess period as approved by Council (18 December 2019); and
 - b) Concluding at the time of commencement of the first Council meeting held immediately after the end of the recess period (5 February 2020); and noting that any such decisions are to be unanimous and circulated to Councillors for their information, and will be reported to the first Ordinary Council meeting following the recess period.

Min.733 C10/19-242 Investment Report - September 2019

Resolved (Attie/Cummings)

That Council receive the September 2019 Investment Report.

**Min.734 C10/19-245 Cumberland Council Community Grants Program
Round One 2019/2020**

Resolved (Attie/Cummings)

That Council:

1. Adopt the 37 applications recommended for funding in Attachment 1 and allocate \$275,838 from the Cumberland Community Grants Program budget 2019/2020.
2. Advise all applicants under Round One of the Community Grants Program 2019/2020 of funding allocations and provide feedback and support to applicants that were unsuccessful.
3. Rollover unallocated funds from Round One (\$97,241) to Round Two of the Cumberland Community Grants Program 2019/20.
4. Withdraw funding allocations for projects recommended for funding in Round One of the Community Grants Program 2019/2020 if the organisation has not provided compulsory information to Council by 30 November 2019 and rollover any unallocated funds to Round Two of the 2019/2020 Cumberland Community Grants Program.

Min.735 C10/19-246 Adoption of Community Development Policies - Post Exhibition**Resolved (Attie/Cummings)**

That Council adopt the *Draft Access and Equity Policy, Draft Art and Cultural Collection Policy, Draft Seniors' Units for Independent Living Policy, and Draft Volunteers Policy* as outlined in Attachments 1 to 4 of this report.

Min.736 C10/19-249 Compliance and Enforcement Policy and Guideline**Resolved (Attie/Cummings)**

That Council place the Compliance and Enforcement Policy and Compliance and Enforcement Guideline 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.737 C10/19-258 Request from Fire & Rescue NSW for a Fire Safety Audit on Identified Building**Resolved (Attie/Cummings)**

That appropriately delegated Council officers conduct a fire safety audit as requested by Fire & Rescue NSW [Ref: BFS19/1258 (7139)] and take appropriate regulatory action to ensure all essential fire safety measures are in accordance with the National Construction Code Volume One 2019 Building Code of Australia.

Min.738 C10/19-259 Tender Evaluation Report - 615A Great Western Highway Pemulwuy - Site Remediation**Resolved (Attie/Cummings)**

That Council:

1. Accept the Tender Evaluation Panel's recommendation to award the contract to RMA Contracting Pty Ltd (ABN 28 092 116 704) in accordance with clause 178(1)(a) of the *Local Government (General) Regulations 2005*, for \$546,338 excluding GST.
2. Delegate to the General Manager the authority to execute the contract and any associated documents.

Min.739 C10/19-260 Supply of Electricity through Local Government Procurement

Resolved (Attie/Cummings)

That Council:

1. In accordance with the tender process run by Local Government Procurement for electricity contracts, award the Tender for supply of electricity per the rates outlined in the Council report to:
 - Origin Energy for Large Sites (ABN 33 071 052 287) and;
 - ERM Power for Unmetered Public Lighting (ABN 87 126 175 460) and;
 - AGL Energy for Small (SME) Sites (ABN 74 115 061 375)
2. Delegate authority to the General Manager to execute the contracts.

Min.740 C10/19-240 Draft Risk Management Policy

Resolved (Lake/Attie)

That Council place the *Draft Risk Management Policy* 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 subject to a minor amendment to expand on the definition of operational risk.

Councillor Sarkis left the Meeting at 9:19pm during the consideration of this item.

Min.741 C10/19-241 Annual Financial Statements 2018/19

Resolved (Elmore/Attie)

That Council:

1. Confirms that it is of the opinion that:
 - a) The 2018/2019 general purpose financial statements for Cumberland Council have been prepared in accordance with:
 - the *Local Government Act 1993* (as amended) and the Regulations made thereunder;
 - the Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board;
 - The Local Government Code of Accounting Practice and Financial Reporting.
 - b) These statements present fairly the Council operating results and financial position for the year.
 - c) These statements accord with Councils accounting and other records.

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- d) Council is not aware of any matters that would render these statements false or misleading in any way.
2. Confirms that it is of the opinion that:
- a) the 2018/2019 special purpose financial statements have been prepared in accordance with:
- the NSW Government Policy Statement 'Application of National Competition Policy to Local Government';
 - The Division of Local Government Guidelines 'Pricing and Costing for Council Business- A Guide to Competitive Neutrality';
 - The Local Government Code of Accounting Practice and Financial Reporting.
- b) These statements present fairly the operating results and financial positions for each of the Council's declared business activities for the year.
- c) The statements accord with the Council accounting and other records.
- d) Council is not aware of any matters that would render the reports false or misleading in any way.
3. Authorise the Mayor, Deputy Mayor, General Manager and the responsible accounting officer to sign the statements by Councillors and Management.
4. Publish a public notice as soon as practicable after Council receives a copy of the auditor's reports.

Councillor Lake left the Meeting at 9:20pm and returned to the Meeting at 9:22pm during the consideration of this item.

C10/19-242 Investment Report - September 2019

This item was dealt with earlier in the meeting.

Min.742 C10/19-243 Quarterly Update on the Implementation of the Stronger Communities Fund

Resolved (Cummings/Garrard)

That Council:

1. Note the progress on the implementation of the Stronger Communities Fund Major Projects Program.
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 \$410,000 from the Duck River Playground to the Central Gardens all Abilities Playground to ensure project commitment and acquittal requirements are met.
4. Reallocate \$290,000 from the Prospect Hill and Access Lookout Project to the

Granville Centre to ensure project commitment and acquittal requirements are met.
5. Reallocate \$290,000 of general funds from the Granville Centre Project to the Prospect Hill Access and Lookout Project to ensure the continuation of this project.

Councillor Sarkis returned to the Meeting at 9:24pm during the consideration of this item.

Min.743 C10/19-244 Response to Notice of Motion - Cumberland Heritage Precinct (Cumberland Heritage Centre)

Resolved (Garrard/Rahme)

That Council consider funding for the establishment of a Heritage Centre at the existing Granville Library site during the development of the 2020/21 budget.

C10/19-245 Cumberland Council Community Grants Program Round One 2019/2020

This item was dealt with earlier in the meeting.

C10/19-246 Adoption of Community Development Policies - Post Exhibition

This item was dealt with earlier in the meeting.

C10/19-247 Preparation of a New Cumberland Development Control Plan

This item was dealt with later in the meeting.

C10/19-248 Proposed Precinct and Site Specific Planning Controls for Inclusion in the New Cumberland Development Control Plan

This item was dealt with later in the meeting.

C10/19-249 Compliance and Enforcement Policy and Guideline

This item was dealt with earlier in the meeting.

**Min.744 C10/19-250 Draft Cumberland Open Space and Recreation Strategy
2019-2029**

Resolved (Lake/Huang)

That Council place the *Draft Open Space and Recreation Strategy 2019-2029* on public exhibition for a period of 28 days subject to the following amendment to Strategic Direction 1:

Deliver new open space and new recreation facilities to meet the needs of our growing population.

**C10/19-251 Response to Notice of Motion - Draft Wyatt Park Plan of
Management**

This item was withdrawn by the General Manager.

**C10/19-252 Proposed Closure of Benaud Street Laneway,
Greystanes - Consultation Report**

This item was dealt with earlier in the meeting.

**Min.745 C10/19-253 Quarterly Progress Report on Council Consultative and
Advisory Committees**

Resolved (Attie/Sarkis)

That Council:

1. Receive the draft minutes of the Consultative and Advisory Committee meetings held as listed in the report and included in Attachments 1, 2, 3, 4, 6 and 7.
2. Write to the Minister for Transport and local State Members in relation to the inconsistent application of Tactile Ground Surface Indicators on train platforms in the Cumberland LGA.
3. Adopt the Community Committee Members listed in the report for membership on the Access and Safety Committee for the remainder of the committee term and advise all applicants in writing of the outcome of their nomination for membership.

C10/19-254 Notice of Motion - Fire Safety

This item was dealt with earlier in the meeting.

C10/19-255 Notice of Motion - Council Committees

This item was dealt with earlier in the meeting.

C10/19-256 Notice of Motion - Council Members for Sydney Central City Planning Panel

This item was dealt with later in the meeting.

Min.746 C10/19-247 Preparation of a New Cumberland Development Control Plan**Resolved (Attie/Sarkis)**

That Council note the approach and key milestones for the preparation of the new Cumberland Development Control Plan (DCP).

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, Garrard, Elmore, Hamed, Huang, Lake, Rahme, Saha, Sarkis, Zaiter and Zreika.

Councillor(s) Against the Motion: Nil

Min.747 C10/19-248 Proposed Precinct and Site Specific Planning Controls for Inclusion in the New Cumberland Development Control Plan**Resolved (Attie/Sarkis)**

That Council:

1. Endorse the carry over of precinct and site specific planning controls covered under existing Development Control Plans for locations in the Cumberland area, as provided in Attachment 1; and
2. Note that the above item will be included in the draft Cumberland Development Control Plan.

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, Garrard, Elmore, Hamed, Huang, Lake, Rahme, Saha, Sarkis, Zaiter and Zreika.

Councillor(s) Against the Motion: Nil

Min.748 C10/19-256 Notice of Motion - Council Members for Sydney Central City Planning Panel

Motion (Attie/Garrard)

That Council:

1. Appoint Councillors Attie and Sarkis as the Council Members for the Sydney Central City Planning Panel;
2. Appoint Councillors Garrard and Zaiter as the Alternate Council Members for the Sydney Central City Planning Panel; and
3. Notify the Sydney Central City Planning Panel of Council's decision.

Foreshadowed Motion (Lake/Elmore)

That in relation to Council nominees for the Sydney Central City Planning Panel:

1. A Business paper be brought to the next Council meeting which recommends Council staff preferred candidates for the appointment of an expert council nominee and alternate expert council nominee.
2. Any Councillor interested in being appointed to the role of the other Council nominee advise the General Manager in 7 days and the name(s) be brought to the next Council meeting for consideration for nomination for Council nominee or alternate council nominee.

The Motion moved by Councillor Attie seconded by Councillor Garrard on being Put was declared CARRIED on the casting vote of the Mayor 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: Attie, Christou, Garrard, Rahme, Sarkis, Zaiter and Zreika.

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

C10/19-257 Notice of Motion - Amendment to Code of Meeting Practice

This item was withdrawn.

C10/19-258 Request from Fire & Rescue NSW for a Fire Safety Audit on Identified Building

This item was dealt with earlier in the meeting.

C10/19-259 Tender Evaluation Report - 615A Great Western Highway Pemulwuy - Site Remediation

This item was dealt with earlier in the meeting.

**C10/19-260 Supply of Electricity through Local Government
Procurement**

This item was dealt with earlier in the meeting.

The Mayor, Councillor Christou closed the meeting at 9:54pm.

Chairperson  General Manager 