
Minutes of the Council Meeting 1 April 2020

Meeting commenced at 6:30pm

Present:

Steve Christou (Mayor)	Councillor
Eddy Sarkis (Deputy Mayor)	Councillor (arrived 6:42pm)
Ned Attie	Councillor
George Campbell	Councillor (via web conferencing)
Greg Cummings	Councillor
Glenn Elmore	Councillor (via web conferencing)
Paul Garrard	Councillor
Ola Hamed	Councillor (via web conferencing)
Kun Huang	Councillor (via web conferencing)
Lisa Lake	Councillor (via web conferencing)
Joseph Rahme	Councillor
Suman Saha	Councillor (via web conferencing)
Michael Zaiter	Councillor
Tom Zreika	Councillor (via web conferencing)
Hamish McNulty	General Manager
Melissa Attia	Director People & Performance
Daniel Cavallo	Director Environment & Planning
Peter Fitzgerald	Director Works & Infrastructure
Richard Sheridan	Director Finance & Governance

Also Present:

Charlie Ayoub	Executive Manager Corporate Services
Colin McFadzean	General Counsel (via web conferencing)
Carol Karaki	Governance Coordinator
Laith Jammal	Governance Officer

Opening Prayer

The opening prayer was read by the Mayor, Councillor Christou.

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 open session of this Council Meeting will be recorded and streamed live on Council's website. This recording will also be archived and be made available on Council's website. Recording of the proceedings of this Council meeting are not permitted without the prior approval of Council.

Apologies/Leave of Absence

Nil

Declarations of Pecuniary & Non Pecuniary Conflicts of Interest

There were no declarations of interest.

Confirmation of Minutes

Min.644 **C04/20-407 Minutes of the Ordinary Meeting of Council - 18 March 2020**

Resolved (Garrard/Attie)

That Council confirm the minutes of the Ordinary Meeting of Council held on 18 March 2020.

Min.645 **MM04/20-26 Mayoral Minute - Coronavirus Support for Local Businesses and Community**

Resolved (Christou)

That Council during the Coronavirus period approve the following:

1. Waive all outdoor dining licence fees until 1 January 2021 and from today credit any outdoor dining licence fees paid in advance.
2. Amend Council's *Hardship Policy* to include all business and residential rates assessments impacted. Council will waive any new interest charges for any late rate payments during this period.
3. Implement rent deferral arrangements on a case by case basis for lessees impacted by the Coronavirus who operate out of a Council owned facility.
4. Implement Deferral of Section 7.11 and 7.12 contributions to prior to the issuing of an Occupation Certificate without interest penalty or CPI being charged.
5. Refund all cancelled bookings of Council's parks and sporting facilities with the expectation that sports registration fees are refunded to families for applicable winter seasonal hire arrangements.
6. Refund all cancelled bookings for all other council venues or facilities whereby the function or event cannot go ahead.
7. Write to the relevant State and Federal Ministers seeking financial and other hardship support for local businesses.
8. That Council write to all local State and Federal Members of Parliament, requesting their strong support and advocacy on behalf of Council in the provision of any stimulus packages, to assist with the ongoing financial impact borne by Council in its response to Coronavirus.

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9. Council delegate to the Mayor and General Manager to implement the above and to revoke or amend these changes once the Coronavirus issue has subsided or restrictions are relaxed in accordance with Government directives.
 10. Council delegate authority to the Mayor and General Manager to implement the advice received from the Government with respect to subsidies for Childcare Centres.

Min.646 MM04/20-27 Mayoral Minute - Council Meeting and Briefing Arrangements - Coronavirus Pandemic

Resolved (Christou)

That:

1. Council conduct Ordinary meetings on the third Wednesday of each month subject to their practical and legal success in implementing, other than in January when no meeting is to be held.
2. Public forum addresses be dealt with by way of written/email submissions to council, with submissions circulated to all Councillors prior to the Council meeting commencing, where possible, and read out at the meeting by the Mayor.
3. Council to conduct Councillor Workshops when and if required on a Councillor voluntary basis and also provide detailed briefing notes to Councillors at their discretion electronically.
4. Council delegate to the Mayor and General Manager to revoke or amend these changes once the Coronavirus issue has subsided or restrictions are relaxed in accordance with Government directives.

Min.647 Matter of Urgency – Councillor Lake

Councillor Lake raised the following matter of urgency:

That the Mayor write immediately to the Premier and the NSW Minister for Local Government urging them to include local councils in any future economic stimulus measures to be introduced by the government and also to provide additional adequate funding for community organisations to ensure the most vulnerable in our community can access food, shelter and support.

The Mayor advised Councillor Lake that the matter had been adequately addressed in item MM04/20-26 and he did not believe the matter of urgency raised was of great urgency and required a decision of the current meeting in accordance with the Code of Meeting Practice. The motion was put to the vote.

The Motion to have the Matter of Urgency be considered 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 Motion: Campbell, Elmore, Hamed, Huang, Lake and Saha.

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

Min.648 C04/20-408 Draft Operational Plan 2020-21 and Fees and Charges

Motion (Attie/Sarkis)

That:

1. Place the Draft Operational Plan 2020-21 and Fees and Charges on public exhibition for a period of 28 days, with a report to be provided back to Council following the conclusion of the public exhibition period.
2. Council reduce its current fees for rock anchors for the application currently being lodged with Council by Powerbuilt Projects in respect of 2-8 Vaughan St Lidcombe from \$55,315 for the first 10 anchors plus \$5,700 per subsequent anchor to a fee of \$50,000. The fee reduction being on the ground of hardship under s.610E of the *Local Government Act 1993* as the applicant cannot meet the cost of the current fee.

Amendment (Saha/Huang)

That Council:

1. Defer placing the Draft Operational Plan 2020-21 and Fees and Charges on public exhibition.
2. Officers provide a report to the Council Meeting of 6 May 2020 which recommends:
 - a) A further draft of the Operational Plan 2020-21 for public exhibition with amended income and expenses reflective of the current economic situation, and
 - b) A further draft of the Fees and Charges for public exhibition which displays the 2019-20 fees and percentage changes for comparison purposes.

The Amendment moved by Councillor Saha seconded by Councillor Huang 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 Amendment: Campbell, Elmore, Hamed, Huang, Lake and Saha.

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

Motion of Dissent

Councillor Lake requested to propose a further Amendment and raised a point of order when advised this would not be permitted. The Mayor, Councillor Christou ruled that the motion had already been put. Councillor Lake moved a motion of dissent.

The Motion of Dissent 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, Elmore, Hamed, Huang, Lake, Saha and Zreika.

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

The Motion moved by Councillor Attie seconded by Councillor Sarkis 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: Attie, Christou, Cummings, Garrard, Rahme, Sarkis, Zaiter and Zreika.

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

Councillor Rahme left the Meeting at 7:24pm and returned to this Meeting at 7:24pm during the consideration of this item.

Councillor Cummings left the Meeting at 7:36pm and returned to this Meeting at 7:43pm during the consideration of this item.

Min.649 C04/20-409 Notice of Motion - Mayoral Community Fund

Resolved (Garrard/Sarkis)

That the funding allocated to the Mayoral Community Fund for 2019/20 be increased from \$30,000 to \$50,000 with funds to be drawn from the savings arising from the cancellation of community events due to the Coronavirus Pandemic.

Min.650 C04/20-410 Notice of Motion - Food Delivery Services in the Cumberland LGA

Resolved (Attie/Sarkis)

That Council:

1. Write to the various food delivery services such as however not limited to Uber Eats, Menulog, Deliveroo, DoorDash etc that utilise a bicycle or motorbike vehicle explaining the rules regarding the use of footpaths and locations and manner in parking such vehicles.

2. Also write to all the cafes/restaurants/food outlets in our LGA providing these rules and request their assistance with these delivery services so that we can keep pedestrians and shoppers safe as they walk along the footpaths.
3. Develop a draft policy to be provide for council endorsement regarding this type of food delivery service.
4. Write to the Minister of Transport in relation to this matter.

Min.651 Closed Session**Resolved (Garrard/Sarkis)**

At this stage of the meeting being 7:45pm, 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:

(d)(i) prejudice the commercial position of the person who supplied it.

Min.652 Open Session**Resolved (Sarkis/Elmore)**

Council returned to Open Session at 8:04pm to resolve the below Confidential Items:

C04/20-411	Request from Fire & Rescue NSW for a Fire Safety Audit on Identified Building
C04/20-412	Request from Fire & Rescue NSW for a Fire Safety Audit on Identified Building
C04/20-413	Request from Fire & Rescue NSW for a Fire Safety Audit on Identified Building

Min.653 C04/20-411 Request from Fire & Rescue NSW for a Fire Safety Audit on Identified Building**Resolved (Elmore/Sarkis)**

That Council resolves appropriately delegated Council Officers conduct a fire safety audit as requested by Fire & Rescue NSW [Ref No: BFS19/3953 (9739)] 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.654 C04/20-412 Request from Fire & Rescue NSW for a Fire Safety Audit
on Identified Building**

Resolved (Elmore/Sarkis)


That Council resolves appropriately delegated Council Officers conduct a fire safety audit as requested by Fire & Rescue NSW [Ref No: BFS19/3237 (9031)] 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.655 C04/20-413 Request from Fire & Rescue NSW for a Fire Safety Audit
on Identified Building**

Resolved (Elmore/Sarkis)

That Council resolves appropriately delegated Council Officers conduct a fire safety audit as requested by Fire & Rescue NSW [Ref No: BFS19/2905] (8716) 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.

The Mayor, Councillor Christou closed the meeting at 8:06pm.

Chairperson  General Manager 