
Minutes of the Council Meeting 15 April 2020

Meeting commenced at 6:30pm

Present:

Steve Christou (Mayor)	Councillor
Eddy Sarkis (Deputy Mayor)	Councillor
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
Peter Fitzgerald	Director Works & Infrastructure
Richard Sheridan	Director Finance & Governance
Monica Cologna	Acting Director Environment & Planning

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 the Council Meeting was being recorded and streamed live on Councils website, with a copy being archived and placed on Council's website. The Mayor further advised that the recording of the proceedings of the Council meeting was not permitted without the prior approval of Council.

Apologies/Leave of Absence

Nil

Declarations of Pecuniary & Non Pecuniary Conflicts of Interest

The Director of People and Performance, Melissa Attia, declared a pecuniary interest in Item C04/20-415 as she will be an applicant for the role created by the adoption of the structure. As such, the Director People and Performance exited the Chamber during the consideration of this item.

Confirmation of Minutes

Min.656 C04/20-414 Minutes of the Ordinary Meeting of Council - 01 April 2020

Resolved (Sarkis/Elmore)

That Council confirm the minutes of the Ordinary Meeting of Council held on 1 April 2020.

Min.657 MM04/20-28 Mayoral Minute – Cumberland City Council's Response to Childcare Services

Resolved (Christou)

That Council recognise the efforts of the parents and staff within Cumberland in reaching a positive outcome for the sustainability of Council's childcare operations.

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.

Public Forum

The Mayor, Councillor Christou advised the Chamber that one written submission was received tonight for Public Forum being a letter of support from David Waghorn of Planning Ingenuity in relation to Item C04/20-417 Planning Proposal – 45 Barcom Street,

Merrylands West which has been circulated to the Councillors. The Mayor, Councillor Christou proceeded to read out the letter as follows:

“Dear Sir,

We act as town planning consultants to the owner of the above property.

First and foremost, we would like to thank Council staff for their efficiency and diligence in the assessment of this Planning Proposal. We appreciate the attention to detail and guidance they have offered throughout this process.

On behalf of our clients, we agree with the recommendations of C04/20-417 and seek Council’s support in progressing the matter to Gateway Determination.

We look forward to continuing to work with Council on this matter.”

Min.658 Matter of Urgency – Councillor Lake

Councillor Lake raised the following matter of urgency:

That Council urgently amend its proposed long day care service fees as exhibited for the 2020-21 year.

From:

The current exhibited sums which range from a \$15 to a \$23 fee increase per day from the fees charged 1 July – 31 December 2019.

To:

an increase of up to \$5 per day from the fee charged 1 January 2020.

The Mayor advised Councillor Lake that 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.

Min.659 Matter of Urgency – Councillor Saha

Councillor Saha raised the following matter of urgency:

Noting that NSW Health has identified Cumberland Council as a hotspot for community transmission of COVID19 and also that increased testing kits are now available, that Cumberland City Council immediately applies all of its communication channels to encourage residents to take the test if experiencing (any symptoms of COVID) fever, cough, sore throat or shortness of breath. & such a message to be given in Council's top five languages”.

The Mayor advised Councillor Saha that 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 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.660 Items by Exception

Resolved (Sarkis/Cummings)

That Council adopt items C04/20-416, C04/20-423, C04/20-424 and C04/20-425 on the Council Agenda in bulk as per the recommendations in the reports.

Min.661 C04/20-416 Investment Report - March 2020

Resolved (Sarkis/Cummings)

That the report be received.

Min.662 C04/20-423 Request from Fire & Rescue NSW for a Fire Safety Audit on Identified Building

Resolved (Sarkis/Cummings)

That Council resolves appropriately delegated Council Officers conduct a fire safety audit as requested by Fire & Rescue NSW [Ref No: BFS20/470 (10531)] 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.663 C04/20-424 Request from Fire & Rescue NSW for a Fire Safety Audit on Identified Building

Resolved (Sarkis/Cummings)

That Council resolves appropriately delegated Council Officers conduct a fire safety audit as requested by Fire & Rescue NSW [Ref No: BFS19/2963 (8000008769)] 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.664 C04/20-425 Request from Fire & Rescue NSW for a Fire Safety Audit on Identified Building**Resolved (Sarkis/Cummings)**

That Council resolves appropriately delegated Council Officers conduct a fire safety audit as requested by Fire & Rescue NSW [Ref No: BFS19/2963 (8000008769)] 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.665 C04/20-415 Review of Organisational Structure

Note: The Director People and Performance, Melissa Attia, exited the Chamber at 7:22pm during the consideration of this item and returned to the Chamber at 7:53pm following the consideration of this Item as she had declared a pecuniary interest in this item.

Motion (Attie/Sarkis)

That Council:

1. Determines, pursuant to s332 and s333 of the Local Government Act 1993, that the organisation structure presented in Attachment 2 be adopted.
2. Determines that the Senior Staff positions in the structure be General Manager, Director Works and Infrastructure, Director Environment and Planning, Director Community and Organisation Development, Director Finance and Governance and General Counsel.
3. Notes that during the implementation of this structure a number of other adjustments in the current structure will be made.

Amendment (Elmore/Saha)

1. Recommendation 1 - add
"with the following changes:
 - a. *"Community and Organisation Development"* be amended to *"Community Development"*
 - b. *"Finance and Governance"* be amended to *"Corporate Services"*
 - c. *"HR, Business Improvement, Corporate Reporting and Customer Service"* be transferred to *"Corporate Services."*
2. Omit recommendation 2 and insert:
"Determines that the Senior Staff positions in the structure be
 - General Manager,
 - Director Works and Infrastructure,
 - Director Environment and Planning,
 - Director Community Development,
 - Director Corporate Services, and
 - General Counsel."

The Amendment moved by Councillor Elmore 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 Sarkis 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, Garrard, Rahme, Sarkis, Zaiter and Zreika.

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

Councillor Sarkis left the Meeting at 7:39pm and returned to the Meeting at 7:42pm during the consideration of this item.

Councillor Rahme left the Meeting at 7:52pm during the consideration of this item.

C04/20-416 Investment Report - March 2020

This item was dealt with earlier in the meeting.

Min.666 C04/20-417 Planning Proposal – 45 Barcom Street, Merrylands West

Motion (Attie/Garrard)

That Council:

1. Endorse an amended planning proposal for the site that seeks to amend the *Holroyd Local Environmental Plan 2013*, to:
 - a. Rezone the site from R2 Low Density Residential to R4 High Density Residential;
 - b. Amend the height of building (HOB) control for the site from 9m to 15m;
 - c. Amend the floor space ratio (FSR) control for the site from 0.5:1 to 0.85:1; and
 - d. Add a clause to Part 6 Additional Local Provisions of *Holroyd Local Environmental Plan 2013* limiting non-residential floor space to 1,480m².

2. Endorse that the planning proposal for 45 Barcom Street, Merrylands, be forwarded to the Department of Planning, Industry and Environment for a Gateway Determination.
3. Prepare a Voluntary Planning Agreement to derive public benefit, should a Gateway Determination be received.
4. Prepare a site specific Development Control Plan to guide redevelopment of the site, should a Gateway Determination be received.

Amendment (Lake/Hamed)

That:

1. This planning proposal request be deferred for decision to the next Council meeting.
2. In accordance with the recommendation of the Cumberland Local Planning Panel on 11 March 2020, Council Officers propose amendments to the height of building controls to provide a range of building height standards across the site up to a maximum of 15 metres, rather than a blanket 15 metre standard.

The Amendment moved by Councillor Lake seconded by Councillor Hamed 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, Cummings, Garrard, Rahme, Sarkis, Zaiter and Zreika.

The Motion moved by Councillor Attie seconded by Councillor Garrard 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, Campbell, Christou, Cummings, Elmore Garrard, Hamed, Huang, Lake, Rahme, Saha, Sarkis, Zaiter and Zreika.

Councillor(s) Against the Motion: Nil

Councillor Sarkis left the Meeting at 7:53pm and returned to the Meeting at 7:59pm during the consideration of this item.

Councillor Rahme returned to the Meeting at 7:55pm during the consideration of this item.

Min.667 C04/20-418 Wentworthville Centre Public Domain Plan

Resolved (Attie/Sarkis)

That Council adopt the Wentworthville Centre Public Domain Plan with the following amendments:

- a) More detail be included in the plan for cyclists' zones and consideration be given to a lock-up facility for cyclists,
- b) Paving and street furniture material be chosen that reduces UV radiation reflection,
- c) The Dunmore Street plaza design incorporate "playable spaces" for children.

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, Zaiter and Zreika.

Councillor(s) Against the Motion: Nil

**Min.668 C04/20-419 Parramatta Road Urban Amenity Improvement Program
Grant Acceptance Stage 2**

Resolved (Attie/Zaiter)

That Council:

1. Accept the Stage 2 grant allocation of \$16,987,001 for the Parramatta Road Urban Amenity Improvement Program from the Department of Planning, Industry and Environment NSW; and
2. The General Manager be delegated the Authority to execute any funding agreements and enter into contracts to complete works within Stage 2 – Project Delivery of the grant funding for the Parramatta Road Urban Amenity Improvement Program.

Carried Unanimously

**Min.669 C04/20-420 Notice of Motion - Ensuring the Future Wellbeing of the
Cumberland Community**

Resolved (Garrard/Sarkis)

That Council requests the General Manager to develop a coordinated report from across the organisation which examines the capacity of this organisation to respond, improve and progress the well-being of our Community.

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

Councillor(s) Against the Motion: Hamed

Councillor Rahme left the Meeting at 8:22pm during the consideration of this item.

**Min.670 C04/20-421 Notice of Motion - Audit, Risk and Improvement
Committee**

Motion (Lake/Campbell)

That the Cumberland Council Audit, Risk and Improvement Committee be considered an essential committee and that it be requested to convene a meeting of its members (remotely) within 7 days and continue to meet on a monthly basis during the COVID-19 crisis.

The Motion moved by Councillor Lake seconded by Councillor Campbell 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, Garrard, Rahme, Sarkis, Zaiter and Zreika.

Councillor Cummings left the Meeting at 8:24pm and returned to the Meeting at 8:39pm during the consideration of this item.

Councillor Rahme returned to the Meeting at 8:26pm during the consideration of this item.

Councillor Rahme left the Meeting at 8:30pm and returned to the Meeting at 8:32pm during the consideration of this item.

C04/20-422 Questions on Notice - Submitted by Councillor Lake

The answers to these questions have been published in the Business Paper for this Ordinary Council Meeting (15 April 2020). The General Manager confirmed that the points of correction raised by Councillor Lake will be published on Council's website after the meeting.

C04/20-423 Request from Fire & Rescue NSW for a Fire Safety Audit on Identified Building

This item was dealt with earlier in the meeting.

C04/20-424 Request from Fire & Rescue NSW for a Fire Safety Audit on Identified Building

This item was dealt with earlier in the meeting.

C04/20-425 Request from Fire & Rescue NSW for a Fire Safety Audit on Identified Building

This item was dealt with earlier in the meeting.

The Mayor, Councillor Christou closed the meeting at 8:39pm.

Chairperson  General Manager 