
Minutes of the Extraordinary Council Meeting 27 May 2020

Meeting commenced at 6:00pm

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 (joined 6:14pm))
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	Acting Director Community and Organisation Development
Daniel Cavallo	Director Environment & Planning
Peter Fitzgerald	Director Works & Infrastructure
Richard Sheridan	Director Finance & Governance

Also in Attendance:

Charlie Ayoub	Executive Manager Corporate Services
Colin McFadzean	General Counsel
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 Council's 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.

Min.705 Apologies/Leave of Absence

Resolved (Elmore/Garrard)

Note: Councillor Elmore noted that Councillor Hamed is an apology at this stage of the meeting. Councillor Hamed later joined the Meeting at 6:14pm.

That the apology tendered on behalf of Councillor Hamed be accepted.

Declarations of Pecuniary & Non Pecuniary Conflicts of Interest

The General Manager declared a pecuniary interest in item C05/20-458 as the item directly related to his employment. As such, the General Manager indicated that he would be exiting the Chamber upon the consideration of this item.

Min.706 MM05/20-30 Mayoral Minute - Council's Response to Easing of Covid-19 Restrictions

Resolved (Christou)

That Council support a measured approach to the reopening of Council services and facilities, consistent with the NSW Public Health Order and other state government guidelines.

Min.707 EEC05/20-454 Notice of Motion - New Commuter Car Park

Motion (Zaiter/Attie)

That Council:

1. Support the NSW Government's Transport initiatives for the construction of a new commuter car park in the North West section of the Cumberland LGA.
2. Write to the Minister of transport with Council's preference for Civic Avenue Pendle Hill existing car park for a new multi-story car park as the preferred location.
3. Continue negotiations with the Department of Transport for the implementation of the project.

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4. Write to the Local Member Dr (Hugh) Paul Joseph Hugh McDermott and inform him of Council's decision.

Amendment (Lake/Saha)

Omit paragraph 2 and insert:

“2. Write to the Minister for Transport asking that Transport for NSW continue to explore potential sites for expanded car parking in Pendle Hill including the former Scout’s Hall site, the existing carpark in Purdie Lane and north of the railway line.”

The Amendment moved by Councillor Lake seconded by Councillor Saha 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 Zaiter seconded by Councillor Attie 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 Hamed left the Meeting at 6:16pm and returned to the Meeting at 6:17pm during the consideration of this item.

Councillor Sarkis left the Meeting at 6:26pm and returned to the Meeting at 6:29pm during the consideration of this item.

Councillor Hamed left the Meeting at 6:31pm and returned to the Meeting at 6:32pm during the consideration of this item.

Min.708 EEC05/20-455 Notice of Motion - COVID-19 Testing Facilities**Resolved (Zaiter/Attie)**

That Council:

1. Write to the Federal and State departments of Health requesting the implementation of additional drive through COVID-19 testing facilities within the Cumberland LGA.
2. Provide the Health Department with possible Council owned locations free of charge for the testing facilities and also identify any State or Federally owned land for possible locations.
3. Request that the relevant health authorities abolish the requirement for the use of the service to include a doctors referral.

Carried Unanimously

Min.709 EEC05/20-456 Notice of Motion - Amendments to Code of Meeting Practice**Motion (Attie/Sarkis)**

That Council:

1. Make the following amendments to the Code of Meeting Practice:
 - a) Clause 3.10 – Remove the words "on the Monday,"
 - b) Clause 4.1 – remove "of policy, the delivery of services, regulatory functions or issues of community concern" and add to the end: "on the business paper at the meeting of Council or Committee".
 - c) Clause 4.2 – add the words to the end: "for all speakers combined".
 - d) Clause 4.3 –
 - i. Delete "Accepting requests received after this time will be at the discretion of the Chairperson. Where".
 - ii. Amend the sentence following the above sentence to be as follows: "The application must relate to an item of business on the Council meeting agenda, and the application must identify the item of business the applicant wishes to speak on, and whether the applicant wishes to speak 'for' or 'against' the item".
 - iii. Change "day of" to "day before".
 - e) Clause 4.4 – Delete "An increase in this number may be granted at the discretion of the chairperson."
 - f) Clause 4.9 – 3 minutes to be changed to 2 minutes.
 - g) Clause 10.21 – extension of 3 minutes to be changed to extension of 1 minute.
 - h) Clause 14.13 – 3 speakers to be changed to 2 speakers and add the following to the end: "being no more than 1 for and 1 against".
 - i) Clause 14.16 – 3 speakers to be changed to 2 speakers and add the following to the end: "and being no more than 1 for and 1 against".

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- j) Clause 14.17 - 3 minutes to be changed to 2 minutes and add the words “with no extensions” after “to make representations”.
 - k) Clause 19.12 – Delete “Note: Unless resolved otherwise, it is Council’s practice not to implement decisions of the Council until 5pm on the Friday following the Council and/ or committee meeting.”
2. Place the Draft Code of Meeting Practice on public exhibition for a period of 28 days with a report to be returned to Council following the exhibition period.

Amendment (Campbell/Lake)

In Point 1:

- 1. Delete amendment (a) from Clause 3.10 of the Code of Meeting Practice, so that it reads “...must be submitted by 5pm 7 business days before the meeting is held”.
- 2. Delete (e) and in Clause 4.4, after “chairperson”, add the words “provided there are no other members of the community waiting to speak”.
- 3. Delete amendments b, c, d, f, g, h, i, j, and k.
- 4. Retain Point 2.

The Amendment moved by Councillor Campbell 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 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 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: Attie, Christou, Garrard, Rahme, Sarkis, Zaiter and Zreika.

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

Councillor Zreika left the Meeting at 6:39pm and returned to the Meeting at 6:41pm during the consideration of this item.

Min.710 Closed Session

Resolved (Attie/Sarkis)

At this stage of the meeting being 6:55pm, 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:*

(a) *personnel matters concerning particular individuals (other than councillors).*

Min.711 Open Session

Resolved (Sarkis/Attie)

Council returned to Open Session at 7:09pm to resolve the below Confidential Item:

EEC05/20-458 Response to Mayoral Minute - Formalising Process for the Review of the General Manager's Performance

Min.712 EEC05/20-458 Response to Mayoral Minute - Formalising Process for the Review of the General Manager's Performance

Note: The General Manager exited the Chamber at 6:55pm prior to the consideration of this item and returned to the Chamber at 7:09pm following the consideration of this item as he had declared a pecuniary interest in this item.

Resolved (Garrard/Attie)

That Council:

1. Receive and note the results of the recently conducted mid-year review of the General Manager's Performance; and
2. Adopt the *Draft Policy for the Review of the Performance of the General Manager*, including the Key Performance Indicators which will form a component of the General Manager's Performance Agreement (commencing from 2020-2021); and
3. Appoint Local Government Management Solutions, a division of LGNSW, to facilitate the review of the performance of the General Manager and 5 Senior Staff in accordance with the terms outline in the attached proposal.

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.

The Mayor, Councillor Christou closed the meeting at 7:09pm.

Chairperson  General Manager 