

---

## Minutes of the Council Meeting 5 August 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
Paul Garrard	Councillor
Ola Hamed	Councillor (via web conferencing)
Kun Huang	Councillor (via web conferencing)
Lisa Lake	Councillor
Joseph Rahme	Councillor (arrived 6:36pm)
Suman Saha	Councillor (via web conferencing)
Michael Zaiter	Councillor
Hamish McNulty	General Manager
Melissa Attia	Director Community and Organisation Development
Daniel Cavallo	Director Environment & Planning
Richard Sheridan	Director Finance & Governance
Stewart Rodham	Acting Director Works & Infrastructure

#### Also Present:

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

#### Opening Prayer

The opening prayer was read by Father Peter Blayney from Guildford Catholic Church.

#### 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.

---

### **Minute of Silence**

The Deputy Mayor, Councillor Sarkis requested that the Chamber observe a minute of silence in reflection of the explosion which occurred in Beirut, Lebanon earlier today. The Mayor, Councillor Christou requested that the Chamber stand for a minute of silence.

---

### **Min.769 Apologies/Leave of Absence**

#### **Resolved (Attie/Zaiter)**

That Councillor Zreika be granted Leave of Absence for this Council Meeting.

---

### **Declarations of Pecuniary & Non Pecuniary Conflicts of Interest**

Councillor Cummings declared a significant non-pecuniary interest in Item RES08/20-6 as a reasonable person may have a perception that because of past issues between Councillor Campbell and himself, it may influence his voting on this item. As such, Councillor Cummings exited the Chamber during the consideration of this item.

Councillor Attie declared a less than significant non-pecuniary interest in Item C08/20-504 as he is a member of a panel which may be discussed during the consideration of this item.

Councillor Sarkis declared a less than significant non-pecuniary interest in Item C08/20-504 as he is a member of a panel which may be discussed during the consideration of this item.

---

### **Confirmation of Minutes**

#### **Min.770 C08/20-503 Minutes of the Ordinary Meeting of Council - 15 July 2020**

#### **Resolved (Sarkis/Attie)**

That Council confirm the minutes of the Ordinary Meeting of Council held on 15 July 2020.

---

### **Min.771 Matter of Urgency – Councillor Garrard**

#### **Resolved (Garrard/Sarkis)**

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 the COVID-19 pandemic.

---

**Min.772          Matter of Urgency – COVID-19 Pandemic****Resolved (Garrard/Sarkis)**

That:

1. For the duration of the ongoing COVID-19 pandemic, all groups and users of Council sporting fields and facilities adhere to public health orders in relation to the use of these facilities and that Council provide the necessary documentation and requirements to groups and users at the time of hire to facilitate this process.
2. In managing the risks within our community the provision of a COVID safety plan be endorsed as a condition of hire of Council's facilities and that resources be allocated from within Council to undertake checks of our facilities to ensure groups are complying with the safety plans they have developed.
3. Hirers must be required to maintain a record of attendance sheet so that spectator and participant details can be recorded (for purposes of contact tracing) and that all hirers be provided with the most current health advice about restrictions and practical containment measures such as hygiene, social distance and the prevention of attendance by anyone with symptoms or who is being tested due to contact.
4. Groups and hirers should also be required to appoint a registered COVID Safety Marshall to ensure these measures are implemented and adhered to.
5. Council officers should be responsible for the implementation and monitoring of this process and a report should be provided back to Council after a month of implementing the above measures, to evaluate and review these measures and recommend any improvements which may be useful.

**Carried Unanimously**

---

**Min.773          Items by Exception****Resolved (Sarkis/Attie)**

That Council adopt items C08/20-505, C08/20-506, C08/20-507, C08/20-509, C08/20-510, C08/20-512 and C08/20-513 on the Council Agenda in bulk as per the recommendations in the reports.

---

**Min.774          C08/20-505 Investment Report - June 2020****Resolved (Sarkis/Attie)**

That Council receive the report.

---

**Min.775          C08/20-506 Update on Approved Mayoral Community Fund Applications****Resolved (Sarkis/Attie)**

That Council receive the report.

---

**Min.776            C08/20-507 Review of Cumberland Design Excellence Panel****Resolved (Sarkis/Attie)**

That Council:

1. Re-adopt the *Design Excellence Panel Policy*.
2. Note the refinements to the *Design Excellence Panel Procedures*.

---

**Min.777            C08/20-509 Sustainability Action Plan - Post Exhibition Report****Resolved (Sarkis/Attie)**

That Council adopt the Sustainability Action Plan as outlined in Attachment 1 of this report.

---

**Min.778            C08/20-510 Response to Matter of Urgency - Dumping of Trolleys****Resolved (Sarkis/Attie)**

That Council:

1. Receive the information contained within this report.
2. Continue to liaise with local shopping centre management and major retailers, in relation to their obligations to prevent abandoned shopping trolleys being discarded throughout the community.
3. Write to the Office of Local Government and the Minister for Local Government, requesting change to the *Impounding Act 1993* to place greater responsibility on commercial retailers in preventing the abandonment of shopping trolleys on public land.

---

**Min.779            C08/20-512 Request from Fire & Rescue NSW for a Fire Safety Audit on Identified Building****Resolved (Sarkis/Attie)**

That Council delegate authority to the General Manager to conduct a fire safety audit as requested by Fire & Rescue NSW [Ref No: BFS20/1561(11595)] 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.780 C08/20-513 Renewal of Computers****Resolved (Sarkis/Attie)**

That Council:

1. In accordance with section 55(3)(G) of the *Local Government Act 1993*, endorse the Lease Agreement with Macquarie Bank Limited (ABN: 46 008 583 542) for computers under the Local Government Procurement Operating Lease Prequalification Scheme (LGP1107-3) for a total amount of \$674,125 ex GST over a 4 year contract period.
2. Delegate authority to the General Manager to execute the contracts.

---

**Min.781 C08/20-504 Delegations to Determine Applications to Modify Development Consents****Resolved (Cummings/Elmore)**

That pursuant to s.377 of the *Local Government Act 1993*, Council:

1. Delegate power to the General Manager to determine all applications to modify a development consent under s.4.55(1) and s.4.55(1A) of the *Environmental Planning and Assessment Act 1979*.
2. Note s.4.55(2) applications which must be determined by the Cumberland Local Planning Panel pursuant to the direction issued under s.9.1 of the *Environmental Planning and Assessment Act 1979* by the Minister for Planning and Public Spaces on 30 June 2020.
3. Delegate power to the General Manager to determine all applications to modify a development consent under s.4.55(2) of the *Environmental Planning and Assessment Act 1979* other than those applications which must be determined by the Cumberland Local Planning Panel pursuant to the s.9.1 direction.
4. Delegate power to the General Manager to determine all applications to modify a development consent under s.4.56 of the *Environmental Planning and Assessment Act 1979* other than those applications which would be determined by the Panel if the application was treated as a s.4.55(2) application, in which case the Panel is to be the consent authority.
5. Note s.4.55(2) applications which must be determined by the Sydney Central City Planning Panel pursuant to clause 123BA of the *Environmental Planning and Assessment Regulation 2000* and the *Instruction on Functions Exercisable by Council on Behalf of Sydney District or Regional Planning Panels – Applications to Modify Development Consents* published on the NSW planning portal on 30 June 2020.

**Carried Unanimously**

---

**C08/20-505 Investment Report - June 2020**

This item was dealt with earlier in the meeting.

---

**C08/20-506 Update on Approved Mayoral Community Fund Applications**

This item was dealt with earlier in the meeting.

---

**C08/20-507 Review of Cumberland Design Excellence Panel**

This item was dealt with earlier in the meeting.

---

**Min.782 C08/20-508 Urban Tree Strategy - Post Exhibition Report**

**Resolved (Hamed/Sarkis)**

That Council adopt the *Urban Tree Strategy* as outlined in Attachment 1 of this report.

**Carried Unanimously**

---

**C08/20-509 Sustainability Action Plan - Post Exhibition Report**

This item was dealt with earlier in the meeting.

---

**C08/20-510 Response to Matter of Urgency - Dumping of Trolleys**

This item was dealt with earlier in the meeting.

---

**Min.783 C08/20-511 Draft Wyatt Park Plan of Management**

**Resolved (Huang/Sarkis)**

That Council:

1. Refer the Draft Wyatt Park Plan of Management to the NSW Department of Planning, Industry and Environment for Ministerial consent.
2. Upon receipt of Ministerial consent, place the Draft Wyatt Park Plan of Management on public exhibition for a period of 42 days, inviting submissions throughout that time in accordance with Section 38 of the *Local Government Act 1993*.
3. Provide a further report to Council detailing the outcome of the public exhibition period.

**Carried Unanimously**

---

**C08/20-512 Request from Fire & Rescue NSW for a Fire Safety Audit on Identified Building**

This item was dealt with earlier in the meeting.

---

**C08/20-513 Renewal of Computers**

This item was dealt with earlier in the meeting.

---

**Min.784 RES08/20-6 Notice of Rescission - Mayoral Minute - Councillor Briefings and Workshops during Covid-19**

**Note:** Councillor Campbell tabled a letter he received from the Office of Local Government during the consideration of this item. Council's General Manager, Hamish McNulty also displayed on screen a letter addressed to the Office of Local Government during the consideration of this item. These letters are attached to the Minutes.

Councillor Cummings exited the Chamber at 7:05pm prior to the consideration of this item as he had declared a significant non-pecuniary interest in this item.

**Motion (Campbell/Lake)**

Pursuant to Notice, Councillors Campbell, Hamed and Lake move the following Resolution of Council 17/06/2020 (Item MM06/20-33) be rescinded:

That Council conduct all future Councillor Briefings and Workshops in person, with appropriate social distancing implemented in accordance with the NSW Public Health Order, with all Councillors required to attend in person to confirm their attendance.

The Rescission Motion 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 Rescission: Campbell, Elmore, Hamed, Huang, Lake and Saha.

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

---

The Mayor, Councillor Christou closed the meeting at 7:35pm.

Chairperson



General Manager







5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541

Our Reference: A708264  
Contact: Council Governance  
Phone: 02 4428 4100

7 July 2020

Councillor George Campbell  
Cumberland Council

By email: [George.Campbell@cumberland.nsw.gov.au](mailto:George.Campbell@cumberland.nsw.gov.au)

Dear Councillor Campbell

Thank you for your email of 22 June 2020 to the Minister for Local Government, the Hon. Shelley Hancock MP, about Cumberland Council's resolution of 17 June 2020 requiring councillors to attend briefings and workshops in person. The Minister has asked the Office of Local Government to respond to you on her behalf.

The Office of Local Government shares your concerns and has written to the Council's General Manager, requesting that the Council reconsider its decision.

Thank you for bringing this matter to the Minister's attention.

Yours sincerely



**Tim Hurst**  
**Deputy Secretary**  
**Local Government, Planning and Policy**

Strengthening local government







14 July 2020

Contact  
Telephone

Hamish McNulty  
8757 9855

Mr Tim Hurst  
Deputy Secretary  
Local Government, Planning and Policy  
Office of Local Government  
Locked Bag 3015  
NOWRA NSW 2541

By Email: [tjm.hurst@olg.nsw.gov.au](mailto:tjm.hurst@olg.nsw.gov.au)

Dear Mr Hurst

**RESPONSE TO LETTER REF: A708264**

Thank you for your correspondence dated 7 July 2020, in relation to Cumberland City Council's resolution of 17 June 2020, requiring Councillors to attend briefings and workshops in person.

Council is closely following the recent COVID-19 Amendments to the *Local Government Act 1993*, OLG issued guidance and the current NSW Public Health Order with respect to this matter.

In addition, Council has implemented appropriate social distancing measures via commissioning a number of technological and physical alterations in the Merrylands Council Chamber, to ensure each Councillor has a minimum of 1.5 metres social distancing at Council meetings and briefings should they wish to attend in person.

Council has also previously made contact with your office and sought OLG advice in relation to the requirements around Councillors' obligations in participating in Council meetings and briefings via audio/visual link. These enquiries were made as Council was previously experiencing disruptive behaviour by some Councillors attending Councillor briefings by audio/visual link, circumstances which may have contributed to the eventual Council resolution of 17 June 2020.

Council has also confirmed via internal legal review, that Council's resolution via Mayoral Minute on 17 June 2020 complies with the COVID-19 Amendments to the *Local Government Act 1993*. Whilst I appreciate your feedback I have raised your correspondence with the Mayor, and ultimately the Mayoral Minute put forward at the 17 June 2020 Ordinary Council Meeting was a legal motion, in accordance with current legislation, and ultimately, was a matter for Council to determine by way of conducting a vote at the meeting.

16 Memorial Avenue, PO Box 42, Merrylands NSW 2160  
T 02 8757 9000 E [council@cumberland.nsw.gov.au](mailto:council@cumberland.nsw.gov.au) W [cumberland.nsw.gov.au](http://cumberland.nsw.gov.au)  
ABN 22 798 563 329

Welcome *Belong Succeed*



Whilst this remains as the current resolution of Council, Councillor Campbell continues to be furnished via email with the relevant Councillor briefing information prior to, and after every Councillor briefing. In addition, I would be willing to facilitate the full audio/visual recording of each briefing conducted, and provide access to Councillor Campbell to this, providing he adheres to the *Code of Conduct* with respect to not releasing this information, as Councillor briefings are not considered public meetings.

Finally, Councillor Campbell is free to contact any officer listed on the *Councillor and Staff Interaction Policy* including myself should he have any requests for information or queries in relation to a Councillor briefing matter and he is aware of this.

I trust this information assists. Please feel free to contact me if you wish to discuss further.

Yours faithfully



Hamish McNulty  
GENERAL MANAGER