
Minutes of the Council Meeting 19 August 2020

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
Lisa Lake	Councillor
Joseph Rahme	Councillor (arrived 6:32pm)
Suman Saha	Councillor
Michael Zaiter	Councillor (arrived 6:37pm)
Tom Zreika	Councillor
Hamish McNulty	General Manager
Melissa Attia	Director Community & Organisation Development
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
Carol Karaki	Senior Coordinator Governance and Civic Events
Olivia Shields	Senior Governance Officer
Monica Shenouda	Governance Officer

The Mayor, Councillor Christou declared the meeting open at 6:30pm.

Opening Prayer

The opening prayer was read by Reverend Bob Dennis from Merrylands Baptist Church.

Acknowledgement of Country

The Mayor, Councillor Christou read 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

Councillor Zreika declared a non-pecuniary, less than significant interest in Item C08/20-524 as he has property interests in the area however they are not impacted by the changes.

Confirmation of Minutes

Min.785 C08/20-514 Minutes of the Ordinary Meeting of Council - 5 August 2020

Resolved (Sarkis/Elmore)

That Council confirm the minutes of the Ordinary Meeting of Council held on 5 August 2020.

Min.786 MM08/20-36 Mayoral Minute – Passing of George Parry

Resolved (Christou)

That Council

1. Notes with sadness the passing of George Parry, and sends our condolences to Mr Parry's family, his friends, and former teammates;
2. Observe a minute's silence to honour the life of Mr Parry, including his great achievements and contributions to the Cumberland City Council Community.

Carried Unanimously

Min.787 MM08/20-37 Mayoral Minute - Sponsorship of the Western Sydney Academy of Sport**Resolved (Christou)**

That Council endorse a partnership with the Western Sydney Academy of Sport via a sponsorship arrangement and that \$7,500 be allocated from a funding source to be identified by Council.

Carried Unanimously

Councillor Rahme left the Meeting at 6:39pm and returned to the Meeting at 6:43pm during the consideration of this item.

Councillor Hamed left the Meeting at 6:42pm during the consideration of this item.

Min.788 MM08/20-38 Mayoral Minute - Response to Joint Statement Issued on Council's Economic Statement**Resolved (Christou)**

That Council endorse the Mayoral Minute.

The Motion moved 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 Hamed returned to the Meeting at 6:52pm during the consideration of this item.

Min.789 Matter of Urgency – Councillor Campbell**Resolved (Campbell/Saha)**

That in accordance with Clause 9.3(b) of the Cumberland City Council Code of Meeting Practice, Standing Orders be suspended to permit the Matter of Urgency in relation to the COVID-19 pandemic.

The Motion moved by Councillor Campbell seconded by Councillor Saha 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, Hamed, Huang, Lake, Rahme, Saha, Sarkis, Zaiter and Zreika.

Councillor(s) Against the Motion: Garrard

Min.790 Matter of Urgency – COVID-19 Pandemic

Motion (Campbell/Saha)

That Council place posters/corflutes in suitable places of high pedestrian traffic across the LGA in the top few languages appropriate to each suburb to warn non-English-speaking people of how to avoid the spread of Covid-19. The posters may be copied from the following NSW Health website:

<https://www.health.nsw.gov.au/Infectious/covid-19/Pages/translated-resources.aspx#physical>

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

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

Min.791 Resumption of Standing Orders

Resolved (Sarkis/Cummings)

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

Public Forum:

Speakers on Items on the Council Meeting Agenda

Speaker	Item #	Suburb
Ms Alaine Roff	C08/20-524 Cumberland Development Control Plan - Post Exhibition Report on New Planning Controls for Cumberland City	Sydney
Mr Arthur Moses	C08/20-524 Cumberland Development Control Plan - Post Exhibition Report on New Planning Controls for Cumberland City	Westmead

Speaker	Item #	Suburb
Mr Rob Luck	C08/20-524 Cumberland Development Control Plan - Post Exhibition Report on New Planning Controls for Cumberland City	Merrylands
Mr Andrew Moss	C08/20-525 NSW Public Spaces Legacy Program	Paddington
Mr Bruce Ashley	C08/20-525 NSW Public Spaces Legacy Program	Dulwich Hill

The Mayor, Councillor Christou left the Meeting at 7:45pm. The Deputy Mayor, Councillor Sarkis assumed the Chair accordingly. The Mayor, Councillor Christou returned to the Meeting and assumed the Chair at 7:47pm.

Councillor Hamed left the Meeting at 7:45pm and returned to the Meeting at 7:48pm during Public Forum.

Councillor Sarkis left the Meeting at 7:47pm and returned to the Meeting at 7:49pm during Public Forum.

Councillor Hamed left the Meeting at 7:55pm and returned to the Meeting at 7:57pm during Public Forum.

Councillor Attie left the Meeting at 8:01pm and returned to the Meeting at 8:03pm during Public Forum.

Min.792 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 C08/20-524 and C08/20-525 to be brought forward for consideration at this time of the Meeting.

Min.793 C08/20-524 Cumberland Development Control Plan - Post Exhibition Report on New Planning Controls for Cumberland City

Motion (Attie/Sarkis)

That Council:

1. Note the submissions received prior to, during and immediately following the public exhibition period for the new Cumberland Development Control Plan.
2. Endorse the planning controls for Cumberland City, as provided at Attachment 1, including those which were included in the draft Cumberland Development Control Plan and have not changed following exhibition, and those which reflect proposed general amendments following public exhibition and further review by Council officers.

3. Endorse the planning controls for Cumberland City, as provided at Attachment 2, which reflect proposed site specific amendments following public exhibition and further review by Council officers.
4. Note the site specific requests received as part of the process for the new Cumberland Development Control Plan, as provided at Attachment 3.
5. Adopt the Cumberland Development Control Plan, as provided at Attachments 4 to 14, to come into effect on the date of publication of the new Cumberland Local Environmental Plan in the Government Gazette.
6. Delegate to the General Manager the authorisation to make minor revisions to the new Cumberland Development Control Plan, as necessary, following Council's deliberations, to ensure the desired objectives and intended outcomes can be achieved.
7. Adopt the Cumberland Flood Risk Management Policy, as provided at Attachment 15, to come into effect at the same time as the new Cumberland Development Control Plan.
8. Review the new Cumberland Development Control Plan two years after commencement to ensure that the planning controls continue to support planning and development outcomes in Cumberland City.
9. Make the following amendments:
 - a) Part B3 - Add Section 3.4 to the DCP to refer to landscaping and adopt a 20% landscaping, minimum 30sqm per dwelling.
 - b) Part B5, Section 2.2 - Replace first sentence in control C1 to say that a minimum 10% mix of 1 bedroom and a minimum 10% mix of 3 bedroom dwelling types shall be provided, with the balance as 2 bedrooms.
 - c) Part F2-1, Section 2.4 – Add 'and include 90 degree parking on the northern side of Mary Street' to control C7.
 - d) Pemulwuy residential landscaping controls - change 4 posts for tree guards to 2 posts.
10. Ensure that references to land outside of the Cumberland LGA are omitted from the planning controls related to Granville Town Centre.

Amendment (Campbell/Elmore)

Add a point 11 as follows:

That Table 1 under section 2.5.2 *Development applications requiring notifications and advertising* (p.304) be amended to require:

- (a) the notice on site to be of a minimum size of 80cms x 50 cms and to apply to all developments that require notification,
- (b) the Notification Period and Re-notification Period to begin five days from the date of the notification letter, and that any other references to notification in the DCP inconsistent with the above be modified accordingly.

The Amendment moved by Councillor Campbell seconded by Councillor Elmore 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.

Amendment (Lake/Hamed)

That paragraph 9b be deleted.

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

Councillor(s) Against the Motion: Campbell and Hamed.

Councillor Zaiter left the Meeting at 8:18pm and returned to the Meeting at 8:19pm during the consideration of this item.

Councillor Sarkis left the Meeting at 8:38pm and returned to the Meeting at 8:42pm during the consideration of this item.

Councillor Rahme left the Meeting at 8:41pm and returned to the Meeting at 8:42pm during the consideration of this item.

Min.794 C08/20-525 NSW Public Spaces Legacy Program

Resolved (Attie/Sarkis)

That Council:

1. Endorse that a submission be prepared to the Department of Planning, Industry and Environment for Cumberland City Council to participate in the NSW Public Spaces Legacy Program.
2. Delegate authority to the General Manager to prepare a submission in accordance with the contents of this report.
3. Investigate the feasibility of the Pippita Trail project.

Carried Unanimously

Councillor Rahme left the Meeting at 8:54pm during the consideration of this item.

Min.795 Items by Exception

Resolved (Attie/Sarkis)

That Council adopt items C08/20-515, C08/20-516, C08/20-518, C08/20-519, C08/20-520, C08/20-521, C08/20-522, C08/20-527, C08/20-528 and C08/20-529 on the Council Agenda in bulk as per the recommendations in the reports.

Councillor Zreika left the Meeting at 9:01pm and returned to the Meeting at 9:03pm during the consideration of this item.

Councillor Rahme returned to the Meeting at 9:02pm during the consideration of this item.

Min.796 C08/20-515 Legal Report

Resolved (Attie/Sarkis)

That the report be received.

Min.797 C08/20-516 Quarter 4 Performance Report on the Operational Plan 2019-20

Resolved (Attie/Sarkis)

That Council:

1. Receive and note the information contained in this report.
2. Carry over 11 projects into the Operational Plan 2020-21, and discontinue 4 projects as outlined in this report.

Min.798 C08/20-518 Investment Report - July 2020**Resolved (Attie/Sarkis)**

That Council receive the report.

Min.799 C08/20-519 Local Government NSW Annual Conference 2020**Resolved (Attie/Sarkis)**

That Council:

1. Confirm its intention to nominate the appointment of up to 10 voting delegates to vote on motions at the Local Government NSW Annual Conference; and
2. Consider submitting of any motions to be considered at the Local Government NSW Annual Conference.

Min.800 C08/20-520 Draft Data Breach Response Policy**Resolved (Attie/Sarkis)**

That Council place the *Draft Data Breach Response 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.

Min.801 C08/20-521 Finalisation of Milton Street, Lidcombe Proposed Road Closure**Resolved (Attie/Sarkis)**

That Council:

1. Note the submissions received during the public notice period.
2. Endorse the lodgement of a road closure application for part of Milton Street, Lidcombe to the NSW Department of Industry - Lands.
3. Delegate authority to the General Manager to execute the documents to finalise this matter.

Min.802 C08/20-522 Part Board Street, Lidcombe - Proposed Part Closure and Sale**Resolved (Attie/Sarkis)**

That Council:

1. Approve in principle the permanent closure of part of Board Street, Lidcombe as attached.

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2. Advertise the proposed closure and sale of the laneway for a period of 28 days in accordance with S.38B of the *Roads Act 1993*.
 3. Authorise the General Manager to undertake a sale process for the road once closed, in accordance with independent valuation and legal advice if no adverse submissions are received.

Min.803 C08/20-527 Tender For Manufacture and Supply of Multi-Function Poles Contract

Resolved (Attie/Sarkis)

That Council:

1. Accept the Tender Evaluation Panel's recommendation to award the contract to Goldspar Australia Pty Ltd for Parramatta Road Urban Amenity Improvement Program in accordance with Clause 175 of the *Local Government (General) Regulations 2005*, based on the Tendered Schedule of Rates;
2. Form a panel of Contractors for the Manufacture and Supply of Multi-Function Poles with the initial contract term of three (3) years with an option to extend a further two (2) years. The panel will be formed by awarding the contract to GM Poles (NSW) Pty Ltd, Goldspar Australia Pty Ltd, MFP Systems Pty Ltd and Hub Australasia Pty Ltd in accordance with Clause 175 of the *Local Government (General) Regulations 2005*; and
3. Delegate to the General Manager the authority to execute the contract and any associated documents.

Min.804 C08/20-528 Contract for the Supply of Natural Gas for Council Facilities

Resolved (Attie/Sarkis)

That Council:

1. In accordance with section 55 (3)(G) of the *Local Government Act 1993*, accept the NSW Procurement contract with Origin Energy Retail (ABN 22 078 868 425) for the retail supply of natural gas for small sites in NSW and ACT with consumption under 10 terajoules per year, for a period of four years, expiring 30 June 2024 in accordance with Attachment 1; and
2. Delegate authority to the General Manager to execute the contract.

Min.805 C08/20-529 Variation to Tender Evaluation Report - Neil Street Merrylands - Road and Drainage Works

Resolved (Attie/Sarkis)

That Council:

1. Endorse the approval of a project variation of \$3,441,000 ex GST, for Tender T-2019-010 Neil Street Merrylands – Road and Drainage Works, to proceed according to the contract issued.
2. Delegate to the General Manager the authority to finalise any variations required in the documentation.

Min.806 C08/20-517 Monthly Management Report - June 2020

Resolved (Saha/Sarkis)

That Council receive the information contained in this report.

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

Councillor(s) Against the Motion: Rahme

Councillor Hamed left the Meeting at 9:15pm and returned to the Meeting at 9:17pm during the consideration of this item.

Councillor Hamed left the Meeting at 9:18pm and returned to the Meeting at 9:21pm during the consideration of this item.

C08/20-518 Investment Report - July 2020

This item was dealt with earlier in the meeting.

C08/20-519 Local Government NSW Annual Conference 2020

This item was dealt with earlier in the meeting.

C08/20-520 Draft Data Breach Response Policy

This item was dealt with earlier in the meeting.

C08/20-521 Finalisation of Milton Street, Lidcombe Proposed Road Closure

This item was dealt with earlier in the meeting.

**C08/20-522 Part Board Street, Lidcombe - Proposed Part Closure
and Sale**

This item was dealt with earlier in the meeting.

**Min.807 C08/20-523 Response to Notice of Motion - Draft Code of Meeting
Practice - Post Exhibition**

Motion (Zreika/Attie)

That Council adopt the *Code of Meeting Practice* per Attachment 1.

Amendment (Lake/Campbell)

Insert

“Subject to the following:

Clause 3.10

Insert “on the Monday”.

Omit “9” and insert “7”

Clause 4.1

Omit “on the business paper at the meeting of Council or Committee”

Insert “of policy, the delivery of services, regulatory functions or issues of community concern”

Clause 4.2

Omit “for all speakers combined”

Clause 4.3

Omit “day before” and insert “day of”

Insert “Accepting requests after this time will be at the discretion of the Chairperson.

Omit “The application must relate to an item of business on the Council meeting agenda, and “

Insert “Where the application relates to an item of business on the Council meeting agenda,”

Clause 4.4

Insert “An increase in this number may be granted at the discretion of the Chairperson”

Clause 4.9

Omit “2” and insert “3”

Clause 10.21

Omit “one (1)” and insert “three (3)”

Clause 14.13

Omit “2” and insert “3”

Omit “being no more than 1 for and 1 against”

Clause 14.16

Omit “2” and insert “3”

Omit “and being no more than 1 for and 1 against”

Clause 14.17

Omit “2” and insert “3”

Omit “with no extensions”

Clause 19.12

Insert “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.”

The Amendment moved by Councillor Lake seconded by Councillor Campbell 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 Zreika seconded by Councillor Attie 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.

C08/20-524 Cumberland Development Control Plan -Post Exhibition Report on New Planning Controls for Cumberland City

This item was dealt with earlier in the meeting.

C08/20-525 NSW Public Spaces Legacy Program

This item was dealt with earlier in the meeting.

Min.808 C08/20-526 Wentworthville Memorial Swim Centre - Creation of Electrical Easement

Resolved (Saha/Zaiter)

That Council:

1. Agree to the creation of an easement on Dunmore Street, Wentworthville as shown in the attachment, for Endeavour Energy; and
2. Delegate to the General Manager the authority to execute the agreement with Endeavour Energy and any associated documents.

The Motion moved by Councillor Saha seconded by Councillor Zaiter 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, Saha, Sarkis, Zaiter and Zreika.

Councillor(s) Against the Motion: Rahme

Councillor Cummings left the Meeting at 9:50pm and returned to the Meeting at 9:57pm during the consideration of this item.

C08/20-527 Tender For Manufacture and Supply of Multi-Function Poles Contract

This item was dealt with earlier in the meeting.

C08/20-528 Contract for the Supply of Natural Gas for Council Facilities

This item was dealt with earlier in the meeting.

C08/20-529 Variation to Tender Evaluation Report - Neil Street Merrylands - Road and Drainage Works

This item was dealt with earlier in the meeting.

Min.809 Closed Session

Resolved (Attie/Rahme)

At this stage of the meeting being 9:57pm, 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:

(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

Min.810 Open Session

Resolved (Attie/Sarkis)

Council returned to Open Session at 10:17pm to resolve the below Confidential Item:

C08/20-530 Outcome of Expression of Interest Process - Lease over Oriole Park Baseball Club Building

Min.811 C08/20-530 Outcome of Expression of Interest Process - Lease over Oriole Park Baseball Club Building

Resolved (Attie/Zreika)

That Council:

1. Note the potential uses for the site submitted by proponents through the Expression of Interest Process;
2. Accept in principle the submission made by the Western Sydney Wolves as the use conforms to the zoning of the site;
3. Further negotiate the final terms of the proposal and a 20 year lease; and
4. Receive a further report in future outlining the results of the negotiation process.

The Motion moved by Councillor Attie seconded by Councillor Zreika 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, Huang, Rahme, Saha, Sarkis, Zaiter and Zreika.

Councillor(s) Against the Motion: Hamed and Lake.

The Mayor, Councillor Christou closed the meeting at 10:19pm.

Chairperson  _____

General Manager  _____