
Minutes of the Council Meeting 3 March 2021

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
Kun Huang	Councillor
Lisa Lake	Councillor
Joseph Rahme	Councillor
Suman Saha	Councillor
Michael Zaiter	Councillor
Tom Zreika	Councillor
Peter Fitzgerald	Acting General Manager
Melissa Attia	Director Community & Organisation Development
Daniel Cavallo	Director Environment & Planning
Brendan Govers	Acting Director Works & Infrastructure
Richard Sheridan	Director Finance & Governance

Also Present:

Colin McFadzean	General Counsel
Carol Karaki	Acting Executive Manager Corporate Services
Olivia Shields	Senior Governance Officer

The Mayor, Councillor Christou declared the meeting open at 6:32pm.

Note: In recognition of the annual World Hearing Day, the Mayor welcomed to the Chamber David McQuiggan, Auslan Interpreter.

Opening Prayer

The opening prayer was read by Fr. Eduardo Orillia from St Joachims Catholic Church, Lidcombe.

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.

Min.1038 Apologies/Leave of Absence

Resolved (Sarkis/Elmore)

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

Declarations of Pecuniary & Non Pecuniary Conflicts of Interest

Councillors Attie and Sarkis declared a less than significant non-pecuniary interest in item C03/21-687 as they are both members of the Sydney Central City Planning Panel. As such, they exited the Chamber during the consideration of this item.

Confirmation of Minutes

Min.1039 C03/21-684 Minutes of the Ordinary Meeting of Council - 17 February 2021

Resolved (Garrard/Attie)

That Council confirm the minutes of the Ordinary Meeting of Council held on 17 February 2021.

Min.1040 Mayoral Minute – World Hearing Day

Resolved (Christou)

That Council recognise the significance of World Hearing Day 2021.

Public Forum:

Speakers on Items on the Council Meeting Agenda

Speaker	Item #	Suburb
Mr Roydon Ng	C03/21-689 Pippita Rail Trail – Preliminary Feasibility Report	Lidcombe
Dr Yadu Singh	C03/21-693 Notice of Motion - Cultural Festivals and Multiculturalism	Baulkham Hills

Min.1041 Suspension of Standing Orders

Resolved (Sarkis/Attie)

That in accordance with Clause 8.2 of the Code of Meeting Practice, Council suspend standing orders to allow Items C03/21-689 and C03/21-693 to be brought forward for consideration at this time of the Meeting.

Min.1042 C03/21-689 Pippita Rail Trail – Preliminary Feasibility Report

Resolved (Attie/Huang)

That Council:

1. Note the Preliminary Feasibility Report for the Pippita Rail Trail, as provided at Attachment 1.
2. Consult with relevant State Government agencies to confirm their interest and in-principle support to progress the Pippita Rail Trail.
3. Consult with the relevant State Government agencies regarding the new proposed express train service through the Pippita Rail Trail.
4. Provide a further report to Council on the outcomes of consultation with relevant State Government agencies.

Carried Unanimously

Min.1043 C03/21-693 Notice of Motion - Cultural Festivals and Multiculturalism

Motion (Huang/Saha)

That **Error! No document variable supplied.:**

1. Continue to host cultural events like Lunar New Year, Diwali, Ramadan, and the Cherry Blossom Festival. These Cultural events and activities reflect the diverse mix of cultural backgrounds in Cumberland. Council recognise that these events along with other Council host events bring us together as one community and celebrate what makes Cumberland such a wonderful place to live;
2. Ask Mayor Christou to retract and apologise unreservedly for his comment made in the Sydney Morning Herald article title “Lunar New Year not part of ‘this country’s traditions’: Western Sydney Mayor”; and
3. Reaffirms its commitment to Multiculturalism and recognise Australia is a modern, successful and cohesive multicultural nation and recognise events like Lunar New Year, Diwali, and Ramadan as part of Australian Celebration.

Amendment (Garrard/Attie)

That Council:

1. Continue to organise and host cultural events like Lunar New Year, Diwali, Ramadan, and the Cherry Blossom Festival with the respective communities subject to Council's budgetary position. These Cultural events and activities reflect the diverse mix of cultural backgrounds in Cumberland. Council recognise that these and other events bring us together as one community and celebrate what makes Cumberland such a wonderful place to live;
2. Through the events committee, engage with the respective communities/associations for each festival to assist where possible in obtaining sponsorship and business engagement for the success of each cultural event.
3. Reaffirms its commitment to Multiculturalism and recognise Australia is a modern, successful, and cohesive multicultural nation and recognise events like Lunar New Year, Diwali, and Ramadan as part of Australian Celebration. Many Cultures One Community.

The mover and seconder of the original Motion accepted the Amendment which then became the substantive Motion. The Motion moved by Councillor Huang seconded by Councillor Saha on being Put was declared CARRIED UNANIMOUSLY to become the resolution of Council as per below.

Resolved (Huang/Saha)

That Council:

1. Continue to organise and host cultural events like Lunar New Year, Diwali, Ramadan, and the Cherry Blossom Festival with the respective communities subject to Council's budgetary position. These Cultural events and activities reflect the diverse mix of cultural backgrounds in Cumberland. Council recognise that these and other events bring us together as one community and celebrate what makes Cumberland such a wonderful place to live;
2. Through the events committee, engage with the respective communities/associations for each festival to assist where possible in obtaining sponsorship and business engagement for the success of each cultural event.
3. Reaffirms its commitment to Multiculturalism and recognise Australia is a modern, successful, and cohesive multicultural nation and recognise events like Lunar New Year, Diwali, and Ramadan as part of Australian Celebration. Many Cultures One Community.

Min.1044 Items by Exception

Resolved (Sarkis/Attie)

That Council adopt items C03/21-685, C03/21-688, C03/21- 690 and C03/21-692 on the Council Agenda in bulk as per the recommendations in the reports.

Min.1045 C03/21-685 Proposed Granting of Easement through Greystanes Sportsground**Resolved (Sarkis/Attie)**

That Council:

1. In accordance with S.77 (1)(H) of the *Local Government Act 1993*, Council approve the creation of an easement from the rear of 2 Curra Place through part of Greystanes Sportsground at 812 Merrylands Road, Greystanes in accordance with DA2020/0017, subject to an independent valuation and compensation being paid to Council;
2. The final easement location and design be subject to expert advice of Council's Engineering team; and
3. The easement approval be subject to concurrence from Sydney Water and public notice being undertaken.

Min.1046 C03/21-688 Response to Notice of Motion - Main Street Program for the South Street Area in Granville**Resolved (Sarkis/Attie)**

That Council endorse the proposed scope and implementation approach for the Main Street Program at the South Street area in Granville.

Min.1047 C03/21-690 NSW Public Spaces Legacy Program - Project nomination and funding application**Resolved (Sarkis/Attie)**

That Council prepare and submit an application for funding of up to \$5.5 million under the NSW Public Spaces Legacy Program to design and deliver the Merrylands Civic Square project.

Min.1048 C03/21-692 Quarterly Progress Report on Council Consultative and Advisory Committees**Resolved (Sarkis/Attie)**

That Council receive the Draft Minutes of the Consultative and Advisory Committee meetings held as listed in the report and included under Attachments 1, 2 and 3.

Min.1049 C03/21-686 Road Closure and Sale of Part of Finns Lane, Merrylands

Motion (Elmore/Saha)

That Council defer the permanent closure of Finns Lane between McFarlane Street and Main Lane, Merrylands until a detailed report is brought back to Council and the Cumberland Traffic Committee pertaining to the following:

1. Council prepares a report on the feasibility of selling the land below and the airspace above Finns Lane whilst retaining its ownership.
2. Council Staff investigate the merits of a stratum subdivision for the closure of Finns Lane.
3. Council Staff report on the public interest of retaining the freehold ownership of Finns Lane rather than its sale. The proposed terms of the granting of an easement to Council and any other issues that may arise with its disposal.

Amendment (Cummings/Attie)

That Council:

1. Approve the permanent closure of Finns Lane between McFarlane Street and Main Lane, Merrylands.
2. Prepare an amendment to the new Cumberland Development Control Plan to reflect changes to Finns Lane, Merrylands.
3. Delegate authority to the General Manager to execute all documents to finalise the road closure.
4. Delegate authority to the General Manager to sell that part of Finns Lane between McFarlane Street and Main Lane, Merrylands in accordance with the range of values in the independent valuation subject to the creation of an Easement outlined in the valuation report.

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

Councillor(s) Against the Amendment: Campbell, Elmore, Huang and Saha.

The Amendment moved by Councillor Cummings seconded by Councillor Attie then became the motion.

The motion moved by Councillor Cummings seconded by Councillor Attie on being Put was declared CARRIED to become the resolution of Council (as shown in the amendment).

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

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

Councillor Rahme left the Meeting at 7:33pm and returned to the Meeting at 7:35pm during the consideration of this item.

Councillor Sarkis left the Meeting at 7:33pm and returned to the Meeting at 7:36pm during the consideration of this item.

Councillor Zaiter left the Meeting at 7:35pm and returned to the Meeting at 7:36pm during the consideration of this item.

Min.1050 C03/21-687 2-36 Church Street, Lidcombe - Post-Exhibition Report on Planning Proposal and Voluntary Planning Agreement

Note: Councillors Attie and Sarkis exited the Chamber at 7:46pm prior to the consideration of this item and returned to the Chamber at 7:48pm following the consideration of this item as they had declared a less than significant non-pecuniary interest in relation to this item.

Resolved (Garrard/Zaiter)

That Council:

1. Adopt the recommended planning controls for 2-36 Church Street, Lidcombe, as previously resolved by Council, being:
 - a. Increase the Height of Buildings controls from:
 - 14.9 metres to 22 metres
 - 16.9 metres to 32 metres
 - 22.9 metres to 40 metres
 - 27 metres to 40 metres
 - b. Increase the Floor Space Ratio controls from 1:29:1, 1.49:1, 2.49:1 and 2.6:1 to 3.2:1.
2. Finalise the Planning Proposal (Attachment 1), as delegated by the Minister, following execution of the Voluntary Planning Agreement and registration on title.
3. Note that this Local Environmental Plan amendment will be published in the Government Gazette upon finalisation.
4. Endorse the revised Voluntary Planning Agreement (Attachment 2), noting that the amendments relate to the timing of payment and minor administrative changes only, with the scope and value of the public benefit offer the same as previously agreed by Council.

5. Endorse the revised Voluntary Planning Agreement be re-exhibited for a period of 28 days.
6. Endorse and delegate authority to the Mayor and General Manager to execute the revised Voluntary Planning Agreement on behalf of Council for 2-36 Church Street, Lidcombe, subject to no significant objections on the Agreement being received during re-exhibition.

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, Christou, Cummings, Elmore, Garrard, Huang, Lake, Rahme, Saha and Zaiter

Councillor(s) Against the Motion: Nil

Councillor Zreika left the Meeting at 7:47pm during the consideration of this item.

C03/21-688 Response to Notice of Motion - Main Street Program for the South Street Area in Granville

This item was dealt with earlier in the meeting.

C03/21-689 Pippita Rail Trail – Preliminary Feasibility Report

This item was dealt with earlier in the meeting.

C03/21-690 NSW Public Spaces Legacy Program - Project nomination and funding application

This item was dealt with earlier in the meeting.

Min.1051 C03/21-691 Response to Notice of Motion - Construction of Footpaths

Motion (Campbell/Huang)

That Council:

1. Defer consideration of the below point pending the receipt of the ward by ward breakdown of the expenditure of footpaths from September 2019 to date.
2. Place the draft New Footpath Construction Policy on Public Exhibition, with the outcome of this to be reported back to Council.

Amendment (Sarkis/Attie)

That Council:

1. Note that the cost of providing footpaths within the area bound by Hampstead Road, Parramatta Road, Macquarie Road and Rawson Street, Auburn would be \$331,000, and that funding does not exist in the current financial year to deliver these works.
2. Place the draft New Footpath Construction Policy on Public Exhibition, with the outcome of this to be reported back to Council.

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

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

The Amendment moved by Councillor Sarkis seconded by Councillor Attie then became the motion.

The motion moved by Councillor Sarkis seconded by Councillor Attie on being Put was declared CARRIED to become the resolution of Council (as shown in the amendment).

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, Sarkis, Zaiter and Zreika.

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

Councillor Zreika returned to the Meeting via web conferencing at 7:56pm during the consideration of this item. The Mayor, Councillor Christou noted that Councillor Zreika does not have access to a video camera however as he can be heard by Chamber, his vote would be accepted.

Councillor Rahme left the Meeting at 7:59pm and returned to the Meeting at 8:01pm during the consideration of this item.

C03/21-692 Quarterly Progress Report on Council Consultative and Advisory Committees

This item was dealt with earlier in the meeting.

The Mayor, Councillor Christou closed the meeting at 8:05pm.

Chairperson 

Acting General Manager 