
Minutes of the Council Meeting 7 April 2021

Present:

Steve Christou (Mayor)	Councillor
Eddy Sarkis (Deputy Mayor)	Councillor (arrived 6:50pm)
Ned Attie	Councillor
George Campbell	Councillor
Greg Cummings	Councillor
Glenn Elmore	Councillor
Paul Garrard	Councillor
Ola Hamed	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
Richard Sheridan	Director Finance & Governance
Brendan Govers	Acting Director Works & Infrastructure

Also Present:

Charlie Ayoub	Executive Manager Corporate Services
Carol Karaki	Senior Governance & Civic Events Coordinator
Olivia Shields	Senior Governance Officer

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

Opening Prayer

The opening prayer was read by the Mayor, Councillor Christou.

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

The Director Community and Organisation Development declared a significant, non-pecuniary interest in item C04/21-716 as she has an association with the lawyer representing one of the proponents. As such, the Director Community and Organisation Development exited the Chamber during the consideration of this item.

Confirmation of Minutes

Min.1075 C04/21-709 Minutes of the Ordinary Meeting of Council - 17 March 2021

Resolved (Attie/Cummings)

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

Min.1076 Matter of Urgency – Councillor Garrard

Resolved (Garrard/Attie)

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 passing of Tommy Raudonikis.

Min.1077 Matter of Urgency – Passing of Tommy Raudonikis

Resolved (Garrard/Attie)

That Council express their sincere condolences for the passing of Tommy Raudonikis today and stand for a minute of silence.

Min.1078 Resumption of Standing Orders

Resolved (Garrard/Attie)

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
Dr Diane Colman	C04/21-716 Tender Evaluation and Recommendation Report - Proposed Sale and Lease of Long Day Care	Merrylands

Min.1079 Items by Exception

Resolved (Cummings/Attie)

That Council adopt items C04/21- 711 and C04/21-714 on the Council Agenda in bulk as per the recommendations in the reports.

Min.1080 C04/21-711 Review of Fraud and Corruption Control Policy

Resolved (Cummings/Attie)

That Council readopt the *Fraud and Corruption Control Policy*.

Min.1081 C04/21-714 Audit, Risk and Improvement Committee - Draft Minutes of Meeting Held on 15 February 2021

Resolved (Cummings/Attie)

That Council receive the Draft Minutes of the Audit, Risk and Improvement Committee meeting held on 15 February 2021.

Min.1082 C04/21-710 Proposal from Education and Care Services Review Working Group

Note: Ms Sandie Morthen from the United Services Union presented to Council in relation to this item.

Resolved (Lake/Saha)

That Council:

1. Receive and note this report and presentation by the United Services Union on behalf of the Education and Care Services Review Working Group (the working group); and
2. Defer consideration of this matter until the subsequent closed session of Council at this meeting on 7 April 2021, during which time the results of the recent tender process will also be discussed, in ensuring full and thorough consideration of both the outcome of the tender process and the proposal developed by the working group.

Carried Unanimously

C04/21-711 Review of Fraud and Corruption Control Policy

This item was dealt with earlier in the meeting.

Min.1083 C04/21-712 Draft Pensioner Rebate Policy

Resolved (Cummings/Elmore)

That Council place the revised *Draft Pensioner Rebate 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.

Carried Unanimously

Min.1084 C04/21-713 Letter of Offer for 298-302 Merrylands Road, 2 and 2A Cambridge Street, Merrylands

Resolved (Attie/Sarkis)

That Council:

1. Endorse in-principle the letter of offer for 298-302 Merrylands Road, 2 and 2A Cambridge Street, Merrylands, regarding the construction and dedication of the road widening.
2. Note that the Council resolution on the letter of offer will be considered as part of assessment for the development application on the site.

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

C04/21-714 Audit, Risk and Improvement Committee - Draft Minutes of Meeting Held on 15 February 2021

This item was dealt with earlier in the meeting.

C04/21-715 Questions on Notice - Submitted by Councillor Lake

The answers to these questions have been published in the Business Paper for this Ordinary Council Meeting (7 April 2021).

Min.1085 Closed Session

Resolved (Attie/Sarkis)

At this stage of the meeting being 7:47pm, 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:*

- (d) *commercial information of a confidential nature that would, if disclosed,*
- (i) *prejudice the commercial position of the person who supplied it,*
- (ii) *confer a commercial advantage on a competitor of the council,*
- (iii) *reveal a trade secret.*

Min.1086 Open Session

Resolved (Elmore/Attie)

Council returned to Open Session at 9:17pm to resolve the below Confidential Items:

- C04/21-716 Tender Evaluation and Recommendation Report - Proposed Sale and Lease of Long Day Care
- C04/21-717 Update on Joint Power Purchase Agreement
- C04/21-718 Outcome of Expression of Interest Process - Opportunity for Redevelopment of Council's site at Wentworthville

Min.1087 C04/21-716 Tender Evaluation and Recommendation Report - Proposed Sale And Lease of Long Day Care

Note: The Director Community and Organisation Development exited the Chamber at 7:47pm during the consideration of this item and returned to the Chamber at 8:44pm following the consideration of this Item as she had declared a significant, non-pecuniary interest in this item.

Resolved (Zaiter/Zreika)

That Council:

1. Decline all tenders in accordance with clause 178 (1)(b) of the *Local Government (General) Regulation 2005*.
2. Invite, in accordance with clause 167 of the *Local Government (General) Regulation 2005*, fresh tenders based on different details for the Long Day Care/Child Care centre locations outlined in the EOI/selective tender process.
3. Delegate authority to the General Manager to continue progression of the staff working group proposal, allocating appropriate resources for the group to progress its review.

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4. Receive a report in future outlining the results of the tender process and final position of the staff working group proposal.

The Motion moved by Councillor Zaiter seconded by Councillor Zreika 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.

Min.1088 C04/21-717 Update on Joint Power Purchase Agreement

Resolved (Attie/Zaiter)

That Council:

1. Not proceed with the Joint Power Purchase Agreement resolved by Council in December 2019, following the outcome of negotiations where an agreement was unable to be reached.
2. Write to Local Government Procurement and advise them that Council may participate pending the results of the tender process.
3. Investigate the possibility of establishing its own retail power purchase agreement.

Carried Unanimously

Min.1089 C04/21-718 Outcome of Expression of Interest Process - Opportunity for Redevelopment of Council's site at Wentworthville

Resolved (Attie/Zaiter)

That Council:

1. In accordance with clause 168 (4)(a) of the *Local Government (General) Regulation 2005*, invite all applicants of the Expression of Interest Process to participate in a selective tender process for the proposed contract, for the redevelopment of Council's site at Wentworthville.
2. Immediately undertake a community consultation process/have your say campaign for 28 days seeking community feedback, with the results to be provided to tenderers as part of the selective tender process;

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3. Include Council's minimum requirements as part of the selective tender process, the following:
 - a) Approx. 2500 square metres for a library with council customer service facilities;
 - b) An auditorium with stage for approx. 750 patrons with a sliding partition wall/curtain to half or quarter the number of patrons using the venue;
 - c) Approx. 2000 square metres for a community centre;
 - d) A multi-level carpark with a minimum of 300 public parking spaces; and
 - e) the opportunity for all selective tenderers to provide an alternate proposal as part of their tender submission outlining any value add proposals, which may include potential changes to Council's existing planning controls or proposed additions / alterations to community benefits for the subject site.
 4. Ensure a stronger emphasis is placed on the experience and knowledge of undertaking and delivering projects like the council required community benefits in item 3 above as part of the selective tender process; and
 5. Receive a report at the conclusion of the selective tender process outlining the results of the tender and the Community Consultation process for Council's determination.

Carried Unanimously

Other/General Matters

Councillor Garrard put the following questions to the Acting General Manager:

1. After the most recent severe storm event in Western Sydney, how did the local Merrylands CBD, particularly the Council premises handle the condition?
2. How did Council's emergency services handle the recent deep water event in Memorial Avenue?
3. What recommendations were made to address the recent high water event in Memorial Avenue to address Council's performance in the Council carpark basement?
4. What changes to the building code of Australia are recommended to address future dismantling of Council's infrastructure by oversize vehicles in Council's basement areas?

Councillor Attie put the following questions to the General Manager:

1. In the event of a fire sprinkler storm, does Council have a backup plan to pump out the carpark and lift shaft of Memorial Avenue building?
2. Has the recently appointed building commissioner been contacted to address the fire safety defect caused by nonstandard utility vehicles and accessories that floods the Memorial Avenue carpark and lift shaft on level 1?

The Acting General Manager advised the questions will be taken on notice and be responded to following the meeting.

The Mayor, Councillor Christou closed the meeting at 9:27pm.

Chairperson



A/General Manager

