
Minutes of the Council Meeting 21 April 2021

Present:

Steve Christou (Mayor)	Councillor
Eddy Sarkis (Deputy Mayor)	Councillor
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 (arrived 6:38pm)
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:

Charlie Ayoub	Executive Manager Corporate Services
Colin McFadzean	General Counsel
Carol Karaki	Senior Coordinator Governance & Civic Events
Monica Shenouda	Governance Officer

The Mayor, Councillor Christou declared the meeting open at 6:34pm.

Opening Prayer

The opening prayer was read by Fr. Janusz Pawlicha from St Margaret Mary's Catholic Merrylands.

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

There were no declarations of interest.

Confirmation of Minutes

Min.1090 C04/21-719 Minutes of the Ordinary Meeting of Council - 7 April 2021

Resolved (Sarkis/Cummings)

That Council confirm the minutes of the Ordinary Meeting of Council held on 7 April 2021.

Min.1091 MM04/21-53 Mayoral Minute - Passing of Tommy Raudonikis

Resolved (Christou)

That Council:

1. Note with sadness and express its sincerest condolences for the passing of Tommy Raudonikis;
2. Propose to name the Lidcombe Oval grandstand, The 'Tommy Raudonikis Grandstand' in his honour;
3. Place the naming proposal on public exhibition for 28 days, with a report to be returned to Council following public exhibition; and
4. Observe a minute of silence to honour the life of Tommy Raudonikis.

Carried Unanimously

Min.1092 MM04/21-54 Mayoral Minute - Passing of Duke of Edinburgh**Resolved (Christou)**

That Council:

1. Note with sadness the passing of His Royal Highness Prince Philip, and sends its sincerest condolences to Queen Elizabeth II and the Royal Family;
2. Observe a minute of silence to honour the life of Prince Philip.

Carried Unanimously

Min.1093 Matter of Urgency – Councillor Cummings**Resolved (Cummings/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 passing of Tom Adams.

Min.1094 Matter of Urgency – Passing of Tom Adams**Resolved (Cummings/Sarkis)**

That Council:

1. Note with sadness and express its sincerest condolences for the passing of Tom Adams.
2. Observe a minute of silence to honour the life of Tom Adams.
3. Implement the installation of a plaque or some other form of recognition in Roberta Street Park, Greystanes to honour the life of Tom Adams.
4. Send a letter of condolences and appreciation to Tom Adam's family for his positive contributions to the community.

Carried Unanimously

Council observed a minute of silence in honour of Tommy Raudonikis, Prince Philip of Edinburgh, and Tom Adams.

Min.1095 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.

Min.1096 Closed Session

Resolved (Sarkis/Attie)

At this stage of the meeting being 6:57pm, 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:

- (a) personnel matters concerning particular individuals (other than councillors),*
- (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.1097 Open Session

Resolved (Elmore/Attie)

Council returned to Open Session at 7:15pm to resolve the below Confidential Items:

MM04/21-55 Mayoral Minute – Confidential Staff Matter

C04/21-732 Tender Evaluation Report - Bushland Regeneration Services

Min.1098 MM04/21-55 Mayoral Minute - Confidential Staff Matter

Resolved (Christou)

That Council:

1. Authorises the Mayor to:
 - i) Negotiate with Hamish McNulty in respect of the terms by which his Contract of Employment is to be terminated by reason of medical retirement; and
 - ii) Terminate Hamish McNulty's Contract of Employment by reason of medical retirement, on any terms arising from those negotiations, consistent with the terms of the Contract of Employment and relevant law;
2. Noting that Hamish McNulty was recently hospitalised with a serious condition and is still dealing with the consequences of that condition and is currently unable to perform the duties of General Manager:
 - i) Appoints Peter Fitzgerald pursuant to section 351 of the *Local Government Act 1993* (NSW) (LG Act) to temporarily act as General Manager until such time as Council resolves to appoint a new General Manager or a different acting General Manager, or to otherwise cease that appointment; and
 - ii) If Peter Fitzgerald is unable or unwilling to act as General Manager, appoints Melissa Attia pursuant to section 351 of the LG Act to act as General Manager

until such time as Council resolves to appoint a new General Manager or a different acting General Manager, or to otherwise cease that appointment;

3. Authorises any person acting as General Manager pursuant to this resolution to exercise all the functions, delegations and sub-delegations as have been given to the General Manager by Council; and
4. Commences the recruitment process for a new General Manager, with a report to be brought back to Council as soon as possible detailing the proposed approach for how such recruitment activity will be undertaken.

Carried Unanimously

Min.1099 C04/21-732 Tender Evaluation Report - Bushland Regeneration Services

Resolved (Zaiter/Elmore)

That Council:

1. Accept the Tender Evaluation Panel's recommendation to award the contract to the top (4) four respondents - National Trust of Australia Pty Ltd, Dragonfly Environment, Total Earth Care and Toolijooa in accordance with Clause 178(1)(a) of the Local Government (General) Regulations 2005, for (3) three years , with the option to renew the agreement for a further (1) one plus (1) one - year(s).
2. Delegate to the General Manager the authority to execute the contract and any associated documents.

Carried Unanimously

Public Forum:

Speakers on Items on the Council Meeting Agenda

Speaker	Item #	Suburb
James Phillips	C04/21-728 - Cumberland Heritage List - Outcomes Of Heritage Study And Next Steps	Woolloomooloo
Leon Savage	C04/21-728 - Cumberland Heritage List - Outcomes Of Heritage Study And Next Steps	Lidcombe
Ken Craig	C04/21-728 - Cumberland Heritage List - Outcomes Of Heritage Study And Next Steps	Wentworthville

Min.1100 Suspension of Standing Orders

Resolved (Cummings/Elmore)

That in accordance with Clause 8.2 of the Code of Meeting Practice, Council suspend standing orders to allow Item C04/21-728 to be brought forward for consideration at this time of the Meeting.

Min.1101 C04/21-728 Cumberland Heritage List - Outcomes of Heritage Study and Next Steps

Motion (Campbell/Lake)

That the owners of the 68 individual properties and those within the proposed conservation areas be written to by Council and notified as to:

- The recommendations of Council's heritage advisors;
- What local heritage listing means;
- A contact person/number at Council for further information; and
- Be invited to submit their views.

Amendment (Attie/Garrard)

That Council:

1. Note the outcomes of the Cumberland Heritage Study.
2. Endorse in-principle the consideration of proposed heritage items and proposed heritage conservation areas for inclusion on the Cumberland Heritage List, as outlined in Attachment 1.
3. Endorse the approach to progress the recommendations arising from the Cumberland Heritage Study, as outlined in Attachment 2.
4. Prepare a planning proposal to amend the Cumberland Heritage List in the Cumberland Local Environmental Plan, in accordance with the recommended approach outlined in Attachment 2, with the following activities to be undertaken prior to further reports being considered by Council:
 - a. Early community consultation on the planning proposal.
 - b. Contact the various stakeholders outlined in the report including any properties within the conservation areas of the planning proposal direction and provide explanation on their rights and the process moving forward.
 - c. Preparation of draft planning proposal.
 - d. Preparation of draft planning controls associated with the planning proposal.
 - e. Consideration of draft planning proposal by the Cumberland Local Planning Panel.

The Amendment moved by Councillor Attie seconded by Councillor Garrard 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, Hamed, Huang, Lake and Saha.

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

The motion moved by Councillor Attie seconded by Councillor Garrard 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, Rahme, Saha, Sarkis, Zaiter and Zreika.

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

Min.1102 Items by Exception

Resolved (Sarkis/Cummings)

That Council adopt items C04/21- 720, C04/21-722, C04/21-723, C04/21-726, C04/21-729, C04/21-730 and C04/21-731 on the Council Agenda in bulk as per the recommendations in the reports.

Min.1103 C04/21-720 Legal Report

Resolved (Sarkis/Cummings)

That the report be received.

Min.1104 C04/21-722 Investment Report - March 2021

Resolved (Sarkis/Cummings)

That Council receive the 31 March 2021 Investment Report.

Min.1105 C04/21-723 Monthly Management Accounts - February 2021

Resolved (Sarkis/Cummings)

That Council receive the report.

Min.1106 C04/21-726 Report on Variations to Development Standards approved under delegation - January to March 2021 quarter

Resolved (Sarkis/Cummings)

That Council note this report.

Min.1107 C04/21-729 Cumberland Pesticide Use Notification Plan

Resolved (Sarkis/Cummings)

That Council place the Draft Cumberland Pesticide Use Notification Plan on public exhibition for 28 days and report back on the outcomes.

Min.1108 C04/21-730 Quarterly Progress Report and Nominations Received for Council Consultative and Advisory Committees

Resolved (Sarkis/Cummings)

That Council:

1. 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.
2. Receive and note the resignations received and positions forfeited for the Aboriginal and Torres Strait Islander Consultative Committee, Access and Safety Committee and Events Advisory Committee.
3. Adopt the community representatives listed in the report for membership on Council's Events Advisory Committee for the remainder of the current two-year term and advise all applicants in writing of the outcome of their nomination for membership.

Min.1109 C04/21-731 Cumberland Heritage Committee Meeting - Minutes of Meeting held 23 February 2021

Resolved (Sarkis/Cummings)

That Council:

1. Note and endorse the minutes of the Cumberland Heritage Committee meeting held on 23 February 2021; and
2. Note the feedback from the Heritage Committee regarding the proposed approach to progress the recommendations for Stage 1 and Stage 2 of the Cumberland Heritage Study.

Min.1110 C04/21-721 Draft Interim Operational Plan, Budget and Fees and Charges for 2021-22

Motion (Saha/Lake)

That this item:

1. Be deferred for consideration at the next ordinary meeting of Council on 5 May 2021, and

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2. Be brought to the Councillor briefing on 28 April 2021 for consideration and discussion.

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

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

Council did not make a resolution.

Item Recommittal

Resolved (Attie/Sarkis)

That Council:

1. Allow the staff to make any corrections to errors or anomalies in the document prior to going out to consultation.
2. Place the draft *Operational Plan 2021-22 and Fees and Charges 2021-22* on public exhibition for a period of 28 days, with a report to be provided back to Council following the conclusion of the public exhibition period.

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 Attie left the Meeting at 8:06pm and returned to the Meeting at 8:08pm during the consideration of this item.

Councillor Rahme left the Meeting at 8:27pm and returned to the Meeting at 8:30pm during the consideration of this item.

C04/21-722 Investment Report - March 2021

This item was dealt with earlier in the meeting.

C04/21-723 Monthly Management Accounts - February 2021

This item was dealt with earlier in the meeting.

Min.1111 C04/21-724 Update on Approved Mayoral Community Fund Applications

Resolved (Sarkis/Attie)

That Council:

1. Receive the report.
2. Restore the balance of the Mayoral Community Fund to \$30,000 for this financial year.

The Motion moved by Councillor Sarkis 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.

Councillor Hamed left the Meeting at 8:39pm and returned to the Meeting at 8:42pm during the consideration of this item.

Min.1112 C04/21-725 Draft Procedures for Attendance by Councillors at Meetings by Audio-visual Link

Motion (Campbell/Lake)

That Council adopt the *Draft Procedures for Attendance by Councillors at Meetings by Audio-visual Link* subject to the following amendments:

- *Dot Point 1 – Omit by 12pm on the day of the council meeting and insert at least one hour before the council meeting;*
- *Delete “but not where those grounds relate to illness, disability or caring responsibilities; and*
- *Dot point 5 – omit the paragraph.*

The Motion moved by Councillor Campbell seconded by Councillor Lake 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 and Zaiter.

Council did not make a resolution.

Item Recommittal

Resolved (Attie/Sarkis)

That Council adopt the *Draft Procedures for Attendance by Councillors at Meetings by Audio-visual Link*.

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, Garrard, Rahme, Sarkis and Zaiter.

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

Councillor Zreika left the Meeting at 8:46pm during the consideration of this item and did not return to the Meeting.

C04/21-726 Report on Variations to Development Standards approved under delegation - January to March 2021 quarter

This item was dealt with earlier in the meeting.

Min.1113 C04/21-727 Draft Ibis Plan of Management

Resolved (Sarkis/Attie)

That Council:

1. Place the Draft Ibis Plan of Management 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.
2. Write to Canterbury Bankstown Council and seek clarification regarding their management of this issue at Garrison Point.

Carried Unanimously

Councillor Rahme left the Meeting at 8:58pm and returned to the Meeting at 8:59pm during the consideration of this item.

C04/21-728 Cumberland Heritage List - Outcomes of Heritage Study and Next Steps

This item was dealt with earlier in the meeting.

C04/21-729 Cumberland Pesticide Use Notification Plan

This item was dealt with earlier in the meeting.

C04/21-730 Quarterly Progress Report and Nominations Received for Council Consultative and Advisory Committees

This item was dealt with earlier in the meeting.

C04/21-731 Cumberland Heritage Committee Meeting - Minutes of Meeting held 23 February 2021

This item was dealt with earlier in the meeting.

Other/General Matters

The Mayor, Councillor Christou advised that Council would like to formally thank and acknowledge the hard work of the General Manager, Mr Hamish McNulty. The Mayor further advised that Council wishes Mr McNulty a healthy recovery, and the best of luck, and would happily provide a reference for him in future.

The Mayor, Councillor Christou closed the meeting at 9:08pm.

Chairperson 

Acting General Manager 