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## Minutes of the Council Meeting 5 May 2021

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### Present:

Steve Christou (Mayor)	Councillor
Eddy Sarkis (Deputy Mayor)	Councillor (arrived 6:36pm)
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 6:39pm)
Suman Saha	Councillor
Michael Zaiter	Councillor
Peter Fitzgerald	Acting General Manager
Daniel Cavallo	Director Environment & Planning
Richard Sheridan	Director Finance & Governance
Brendan Govers	Acting Director Works & Infrastructure
Nicole Byrn	Acting Director Community & Organisation Development

### Also Present:

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

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

### Opening Prayer

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

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#### **Min.1114 Apologies/Leave of Absence**

##### **Resolved (Sarkis/Cummings)**

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

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

There were no declarations of interest.

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#### **Confirmation of Minutes**

**Min.1115 C05/21-733 Minutes of the Ordinary Meeting of Council - 21 April 2021**

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

That Council confirm the minutes of the Ordinary Meeting of Council held on 21 April 2021.

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**Min.1116 MM05/21-55 - Mayoral Minute – Update On Council's Trolley Crushing Initiative**

##### **Resolved (Christou)**

That Council:

1. Support the Mayoral Minute; and
2. Allocate the \$15,950 from Trolley Return proceeds towards the Ramadan Iftar Dinner and any remaining proceeds be allocated to a charity to be determined by Council.

##### **Carried Unanimously**

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**Min.1117 MM05/21-56 - Mayoral Minute – COVID-19 Support for India**

##### **Resolved (Christou)**

That Council:

1. Acknowledge the positive work of the Prime Minister of Australia, Scott Morrison in arranging medical supplies to be sent to India.
2. Write to the Prime Minister, seeking that the current ban on returning Australian citizens from India be lifted immediately and that he address and increase the capacity of the quarantine facilities.

3. Write to the relevant Federal MPs requesting that they make representation regarding this issue.

**Carried Unanimously**

**Public Forum:**

**Speakers on Items on the Council Meeting Agenda**

<b>Speaker</b>	<b>Item #</b>	<b>Suburb</b>
Mr Daniel Dwyer	C05/21-736 Fresh Hope Care, Dunmore Street, Pendle Hill - Revised Planning Proposal, Public Benefit Offer and Draft Development Control Plan	Rhodes

**Min.1118 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 C05/21-736 to be brought forward for consideration at this time of the Meeting.

**Min.1119 C05/21-736 Fresh Hope Care, Dunmore Street, Pendle Hill - Revised Planning Proposal, Public Benefit Offer and Draft Development Control Plan**

**Resolved (Attie/Garrard)**

That Council:

1. Note the revised Planning Proposal for Fresh Hope Care, Dunmore Street, Pendle Hill, following receipt of a Gateway Determination by the Department of Planning, Industry and Environment.
2. Endorse the site-specific Development Control Plan for Fresh Hope Care, Dunmore Street, Pendle Hill, to be placed on public exhibition for a period of 28 days.
3. Inform the proponent of the Public Benefit Offer for Fresh Hope Care, Dunmore Street, Pendle Hill, that the offer is not acceptable to the Council and invite resubmission of an offer for further consideration.
4. Defer preparation of a draft Voluntary Planning Agreement subject to Council providing in-principle support or acceptance of a resubmitted Public Benefit Offer.

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 and Zaiter.

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Councillor(s) Against the Motion: Nil

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**Min.1120 Resumption of Standing Orders**

**Resolved (Garrard/Elmore)**

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

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**Min.1121 Items by Exception**

**ADJOURNMENT**

**7:18pm** The Mayor, Councillor Christou adjourned the Meeting for a short recess during the consideration of this item.

**7:28pm** The Mayor, Councillor Christou resumed the Meeting and consideration of this item continued accordingly.

**Resolved (Attie/Elmore)**

That Council adopt items C05/21- 734, C05/21-735, C05/21-741 and C05/21-744 on the Council Agenda in bulk as per the recommendations in the reports.

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**Min.1122 C05/21-734 Update on Approved Mayoral Community Fund Applications**

**Resolved (Attie/Elmore)**

That Council receive the report.

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**Min.1123 C05/21-735 Proposed Granting of Easement at 16 Rowena Street, Greystanes**

**Resolved (Attie/Elmore)**

That Council:

1. In accordance with S.377 (1)(H) of the *Local Government Act 1993*, Council approve the creation of an easement from the rear of 16 Rowena Street Greystanes through part of Roberta Street Park at Roberta Street, Greystanes in accordance with DA2019/91/1, 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

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3. The easement approval be subject to concurrence from Sydney Water and public notice being undertaken.

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**Min.1124 C05/21-741 Questions on Notice - Submitted by Councillor Garrard**

**Resolved (Attie/Elmore)**

That Council receive the response to the Questions on Notice submitted.

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**Min.1125 C05/21-744 Outcome of Proposed Lease of Wyatt Park - Skate and Wheel Sports Facility**

**Resolved (Attie/Elmore)**

That Council:

1. Decline to accept any of the Tenders in accordance with Clause 178(1)(b) of the *Local Government (General) Regulation 2005*. In accordance with Regulation 178(4)(a) of the *Local Government (General) Regulation 2005*, Council's reasons for declining to invite fresh tenders or applications is because a new contest is unlikely to produce better results.
2. Enter into negotiations with Flipside Action Sports Pty Ltd in accordance with Clause 178(3)(e) of the *Local Government (General) Regulation 2005*. In accordance with Regulation 178(4)(b) of the *Local Government (General) Regulation 2005*, Council's reasons for determining to enter into negotiations with Flipside Action Sports Pty Ltd is to establish a solution that includes a best and final offer with the view to entering into a Contract in relation to the subject matter of the tender.
3. Receive a report on the outcome of negotiations for determination.

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**Min.1126 C05/21-738 Cumberland Affordable Housing Policy**

**Motion (Attie/Campbell)**

That Council place the *Draft Affordable Housing Policy* on public exhibition for a period of 28 days, and a report be provided following the conclusion of the exhibition period.

**Amendment (Lake/Hamed)**

After "28 days" insert the words "with the following amendment:"

In point 2 of requirements in the sentence "Apply to planning proposals and development applications, add:

"other than those that arise in the circumstances outlined below".

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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 and Zaiter.

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

Councillor(s) Against the Motion: Nil

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**Min.1127 C05/21-739 Draft Wyatt Park Plan Of Management**

**Resolved (Attie/Elmore)**

That Council adopt the Wyatt Park Plan of Management and Landscape Masterplan as outlined in Attachment 1 and 2 of this report.

**Carried Unanimously**

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**C05/21-740 Questions on Notice - Submitted by Councillor Lake**

**Note:** Council received the answers to these questions as published in the Business Paper for this Ordinary Council Meeting (5 May 2021). Councillor Lake requested further clarification from Council Officers regarding the responses provided.

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**C05/21-741 Questions on Notice - Submitted by Councillor Garrard**

This item was dealt with earlier in the meeting.

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**Min.1128 C05/21-742 Questions on Notice - Submitted by Councillor Attie**

**Resolved (Attie/Sarkis)**

That Council note the report.

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**Min.1129      Closed Session**

**Resolved (Attie/Elmore)**

At this stage of the meeting being 7:59pm, 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.*

*(d) commercial information of a confidential nature that would, if disclosed--*

*(i) prejudice the commercial position of the person who supplied it, or*

*(ii) confer a commercial advantage on a competitor of the council, or*

*(iii) reveal a trade secret.*

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**Min.1130      Open Session**

**Resolved (Sarkis/Attie)**

Council returned to Open Session at 9:03pm to resolve the below Confidential Items:

C05/21-737 Voluntary Planning Agreement for 1A & 1B Queen Street, Auburn

C05/21-743 Security Services Expression of Interest

C05/21-745 Outcome of Proposed Lease of Wyatt Park - Lidcombe Oval

C05/21-746 Procurement Exemption - Productivity Improvements

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**Min.1131      C05/21-737 Voluntary Planning Agreement for 1A & 1B Queen Street, Auburn**

**Resolved (Attie/Elmore)**

That Council defer the consideration of this matter pending further advice.

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 and Zaiter.

Councillor(s) Against the Motion:                      Nil

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**Min.1132 C05/21-743 Security Services Expression of Interest**

**Resolved (Elmore/Garrard)**

That Council:

1. Proceed to a Selective Tender process for Security Services as outlined in the Expression of Interest and invite - Ultimate Security Australia Pty Ltd, Citiguard Protection Services, ECS International Security and Investigations, Southern Cross Protection, Southern Cross Group, Advent Security Services P/L, Secom Australia Pty. Ltd, BSMS SECURITY, E.C.S Services, H & H Security, PSG Security, Securacore Pty Ltd, Chubb Electronic Security, Ozland Group Solutions, AVS Services Australia Pty Ltd to Tender in accordance with Section 55(4) of the Act and Clauses 168 and 169 of the Local Government (General) Regulation 2005.
2. Receive a report on the outcomes following the selective tender process.

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, Hamed, Huang, Lake, Rahme, Saha, and Zaiter.

Councillor(s) Against the Motion: Attie and Sarkis.

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**Min.1133 C05/21-745 Outcome of Proposed Lease of Wyatt Park - Lidcombe Oval**

**Resolved (Elmore/Attie)**

That Council:

1. Decline to accept any of the Tenders in accordance with Clause 178(1)(b) of the *Local Government (General) Regulations 2005*. In accordance with Regulation 178(4)(a) of the *Local Government (General) Regulation 2005*, Council's reasons for declining to invite fresh tenders or applications is because a new contest is unlikely to produce better results.
2. Enter into negotiations with Western Suburbs District Rugby League in accordance with Clause 178(3)(e) of the *Local Government (General) Regulation 2005*. In accordance with Regulation 178(4)(b) of the *Local Government (General) Regulation 2005*, Council's reasons for determining to enter into negotiations with Western Suburbs District Rugby League is to establish a solution that includes a best and final offer with the view to entering into a Lease in relation to the subject matter of the tender.



3. Receive a report on the outcome of negotiations for determination.

**Carried Unanimously**

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**C05/21-746 Procurement Exemption - Productivity Improvements**

**Note:** As the Motion was lost, Council did not make a resolution in relation to this matter.

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The Mayor, Councillor Christou closed the meeting at 9:06pm.

Chairperson



General Manager

