
Minutes of the Council Meeting 7 July 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 (via web conferencing)
Paul Garrard	Councillor
Ola Hamed	Councillor (via web conferencing)
Kun Huang	Councillor (via web conferencing)
Lisa Lake	Councillor (via web conferencing)
Joseph Rahme	Councillor
Suman Saha	Councillor (via web conferencing)
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 (via web conferencing)
Carol Karaki	Senior Coordinator Governance & Civic Events
Olivia Shields	Senior Governance & Civic Events Officer

The Mayor, Councillor Christou declared the meeting open at 6:35pm.

Note: The Mayor, Councillor Christou advised the Chamber that following the previous Council meeting and in accordance with S.226 of the Local Government Act 1993, he has suspended Council's Procedures regarding Councillors requesting Audio Visual Attendance at Council Meetings whilst the current NSW Public Health Order with additional restrictions was in place due to Covid-19. The Mayor, Councillor Christou encouraged all Councillors to wear face masks when not addressing the Chamber.

Opening Prayer

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

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 the recording of the proceedings of the Council Meeting were not permitted without the prior approval of Council.

Apologies/Leave of Absence

Nil.

Declarations of Pecuniary & Non Pecuniary Conflicts of Interest

Councillor Elmore declared a non-significant, non-pecuniary interest in Item C07/21-803 as one of the Senior Officers of one of the tenderers is a friend of his. As such, he would not be taking part in the consideration of this item.

Councillors Attie and Sarkis declared a less than significant, non-pecuniary interest in Items C07/21-797 and C07/21-798 as they are both members of the Sydney Central City Planning Panel. As such, they exited the Chamber during the consideration of these items.

The Acting General Manager, Peter Fitzgerald declared an interest in Item C07/21-804 as this item relates directly to his employment. As such, he exited the Chamber during the consideration of this item.

Confirmation of Minutes

Min.1206 C07/21-793 Minutes of the Ordinary Meeting of Council - 16 June 2021

Resolved (Sarkis/Cummings)

That Council confirm the minutes of the Ordinary Meeting of Council held on 16 June 2021.

Min.1207 MM07/21-64 – Mayoral Minute – Saving the Western Sydney Two Blues

Note: Councillor Cummings declared a significant, non-pecuniary interest in this item as he is a Director on the Board of Directors for the Western Sydney Two Blues. As such, he exited the Chamber at 6:42pm and returned to the Chamber at 6:45pm following the consideration of this item.

Resolved (Christou)

That Council:

1. Support the Mayoral Minute;
2. Write to Rugby Australia, urging them to reconsider a proposal to merge the Western Sydney Two Blues with West Harbour and Penrith Shute Shield Clubs;
3. Write to the NSW Shadow Minister for Sport and Minister for Sport requesting their full support in advocating for the Western Sydney Two Blues as a club in their own right in the Shute Shield competition; and
4. Write to other local State Members of Parliament, also requesting their full support and advocacy in relation to this matter.

Carried Unanimously

Min.1208 MM07/21-65 – Mayoral Minute – Advocacy for Overhead Bridge on Lower Prospect Canal Walkway

Resolved (Christou)

That Council:

1. Support the Mayoral Minute; and
2. Write to the Premier of NSW, advocating for the approval of funding to deliver this important infrastructure project as a matter of public safety.
3. Write to local State and Federal Members of Parliament and the Mayor of Blacktown City Council seeking their urgent support on this key local issue.

Carried Unanimously

Min.1209 MM07/21-66 – Mayoral Minute - Additional Covid-19 Support for Local Businesses and Community

Resolved (Christou)

That Council:

1. Suspend all unpaid outdoor dining and goods on display application and licence fees until 31 December 2021.
2. Implement rent deferral and relief arrangements on a case by case basis for commercial lessees impacted by Covid-19 who operate out of a Council owned facility.
3. Refund all cancelled casual hire bookings for council sporting venues or facilities whereby the function or event cannot go ahead due to the NSW Public Health Order.
4. Write to the relevant State and Federal Ministers seeking financial and other hardship support for local businesses.
5. Delegate to the Mayor and General Manager to implement the above and to revoke or amend these changes as restrictions are relaxed in accordance with Government directives.

Carried Unanimously

Min.1210 Items by Exception

Resolved (Sarkis/Cummings)

That Council adopt items C07/21-794, C07/21-796, C07/21-800, C07/21-801 and C07/21-803 on the Council Agenda in bulk as per the recommendations in the reports.

Min.1211 C07/21-794 Cumberland Affordable Housing Policy - Post-Exhibition Report

Resolved (Sarkis/Cummings)

That Council adopt the Cumberland *Affordable Housing Policy*, as provided in Attachment 2.

Min.1212 C07/21-796 Ibis Management Plan 2021: Post-Exhibition Report

Resolved (Sarkis/Cummings)

That Council adopt the *Ibis Plan of Management 2021* as outlined in Attachment 1 of this report.

Min.1213 C07/21-800 Lidcombe Oval Grandstand Naming

Resolved (Sarkis/Cummings)

That Council name the Lidcombe Oval grandstand, The Tommy Raudonikis Grandstand and install a signage as outlined in this report, subject to DA approval.

Min.1214 C07/21-801 Cumberland Heritage Committee - Minutes of Meeting Held 25 May 2021, Cumberland Local Heritage Rebate Program 2021 and Cumberland Local Heritage Awards 2021

Resolved (Sarkis/Cummings)

That Council:

1. Receive the minutes of the Cumberland Heritage Committee meeting held on 25 May 2021 (Attachment 1).
2. Adopt the recommendations of the Cumberland Heritage Committee for the Cumberland Heritage Rebate Program 2021, as outlined in Table 1 of this report, and note that funds totalling \$29,288 will be allocated from the Cumberland Local Heritage Rebate Program 2021/22 budget.
3. Note the Cumberland Local Heritage Awards Program winners and highly commended prize recipients.
4. Note the Heritage Committee's decision to defer to the next Committee meeting the matter relating to a resident's request for Council's support for a proposed

nomination for the listing of the Lower Prospect Canal Reserve on the National Heritage Register.

Min.1215 C07/21-803 Tender Evaluation Report - Auburn Civic Centre Mechanical (Air Conditioning) Upgrade

Resolved (Sarkis/Cummings)

That Council:

1. Accept the Tender Evaluation Panel's recommendation to award the contract to Ryan Wilks Pty Ltd (ABN 82 056 662 938) in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2005*, for \$861,148.71 (ex GST).
2. Delegate to the General Manager the authority to execute the contract and any associated documents.

Min.1216 Closed Session

Resolved (Attie/Garrard)

At this stage of the meeting being 6:58pm, the Mayor advised that in accordance with Section 10a of the *Local Government Act 1993*, the meeting would move into Closed Session, with 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,*
- (d) commercial information of a confidential nature that would, if disclosed*
- (i) prejudice the commercial position of the person who supplied it.*

Min.1217 Open Session

Resolved (Elmore/Cummings)

Council returned to Open Session at 7:32pm to resolve the below Confidential Items:

C07/21-804 Appointment of the General Manager

C07/21-797 Fresh Hope Care, Dunmore Street, Pendle Hill - Planning Proposal, Site-Specific Development Control Plan and Revised Public Benefit Offer

Min.1218 C07/21-804 Appointment of the General Manager

Resolved (Attie/Garrard)

That Council:

1. Following consideration of the recommendations in the Selection Report presented by Capstone Recruitment, appoint Mr Peter Fitzgerald to the role of General Manager for a term of five (5) years commencing from 30 August 2021; and
2. Authorise the Mayor to make a formal written offer of employment for the role of General Manager to Mr Peter Fitzgerald for a term of 5 (five) years and that the terms of this employment contract be consistent with the provisions of the Office of Local Government (OLG) Standard Contract for General Managers of Local Councils in New South Wales; and
3. Authorise the Mayor to work with Mr Gareth Broadrick of Capstone Recruitment in negotiating a suitable remuneration package in the range from \$400,000 per annum to \$430,000 per annum (Total Remuneration Package) to be offered to Mr Peter Fitzgerald under the terms of the employment contract referred to in (2) above; and
4. Pursuant to the requirements of the OLG Standard Contract for General Managers of Local Councils in New South Wales, affix the seal of Cumberland Council to the Employment Contract upon its execution.

Carried Unanimously

Min.1219 C07/21-797 Fresh Hope Care, Dunmore Street, Pendle Hill - Planning Proposal, Site-Specific Development Control Plan and Revised Public Benefit Offer

Note: Councillors Attie and Sarkis exited the Chamber at 7:04pm prior to the consideration of this item as they had declared a less than significant non-pecuniary interest in relation to this item.

Resolved (Zaiter/Rahme)

That Council not proceed with the planning proposal at this stage and seek to renegotiate the monetary component of the public benefit offer.

The Motion moved by Councillor Zaiter seconded by Councillor Rahme 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:	Christou, Cummings, Garrard, Rahme, Zaiter and Zreika.
Councillor(s) Against the Motion:	Campbell, Elmore, Hamed, Huang, Lake and Saha.

Min.1220 C07/21-798 Voluntary Planning Agreement - 4-12 Railway Street, Lidcombe

Note: Councillors Attie and Sarkis remained out of the Chamber and returned to the Chamber at 7:37pm following the consideration of this item as they had declared a less than significant non-pecuniary interest in relation to this item.

Resolved (Cummings/Garrard)

That Council:

1. Prepare and notify for 28 days a draft amended planning agreement and explanatory note for 4-12 Railway Street, Lidcombe, extending the timeframe for the dedication of the Designated Land by 12 months.
2. Delegate authority to the Mayor and Acting General Manager to execute the amended planning agreement on behalf of Council for 4-12 Railway Street, Lidcombe, subject to no significant objections on the draft agreement arising from 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, Hamed, Huang, Lake, Rahme, Saha, Zaiter and Zreika.

Councillor(s) Against the Motion: Nil.

Min.1221 C07/21-799 Voluntary Planning Agreement - 1A and 1B Queen Street, Auburn

Resolved (Garrard/Cummings)

That Council:

1. Prepare and notify for 28 days a draft amended planning agreement and explanatory note for 1A and 1B Queen Street, Auburn, extending the timeframe for the land dedication and intersection works by three years.
2. Delegate authority to the Mayor and Acting General Manager to execute the amended planning agreement on behalf of Council for 1A and 1B Queen Street, Auburn, subject to no significant objections on the draft agreement arising from 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, Garrard, Hamed, Huang, Lake, Rahme, Saha, Sarkis, Zaiter and Zreika.

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

Min.1222 C07/21-795 Submission on Proposed Employment Zones Reform**Motion (Lake/Saha)**

That Council:

1. Endorse the draft submission at Attachment 3 and forward to the Department of Planning, Industry and Environment with the following amendment:

That the section of the submission relating to “Places of public worship” be amended so that it refers only to Council’s concern with the draft Standard Instrument amendment not including places of public worship as a land use permitted with consent in the E4 General Industrial zone.

2. Delegate authority to the Acting General Manager to finalise the draft submission, including any minor typographical or editorial changes.

Amendment (Attie/Zaiter)

That Council:

1. Endorse the draft submission at Attachment 3 and forward to the Department of Planning, Industry and Environment with the following amendment:

That the section of the submission relating to “Places of public worship” be amended to include places of public worship as a land use permitted with consent in the E4 General Industrial zone.

2. Delegate authority to the Acting General Manager to finalise the draft submission, including any minor typographical or editorial changes.

The Amendment moved by Councillor Attie 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 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 Zaiter then became the motion.

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

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

C07/21-802 Questions on Notice - Submitted by Councillor Campbell

Note: Council received the answers to these questions as published in the Business Paper for this Ordinary Council Meeting (7 July 2021). Councillor Campbell requested further clarification from General Manager regarding the response provided.

Min.1223 Matter of Urgency – Councillor Attie

Resolved (Sarkis/Cummings)

That in accordance with Clause 3.27 of the adopted Code of Meeting Practice, the Matter of Urgency of Councillor Attie in relation to the review of the organisational structure be heard by Council.

Min.1224 Matter of Urgency – Review of Organisational Structure

Resolved (Attie/Zaiter)

That a report regarding the General Manager’s review of the organisational structure be provided to the next Council Meeting.

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, Zaiter and Zreika.

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

The Mayor, Councillor Christou closed the meeting at 8:04pm.

Chairperson_____ General Manager_____