
Minutes of the Council Meeting 20 October 2021

Present:

Steve Christou (Mayor)	Councillor
Michael Zaiter (Deputy Mayor)	Councillor
Ned Attie	Councillor
George Campbell	Councillor (via web conferencing)
Greg Cummings	Councillor
Glenn Elmore	Councillor
Paul Garrard	Councillor
Ola Hamed	Councillor
Kun Huang	Councillor
Lisa Lake	Councillor
Joseph Rahme	Councillor
Suman Saha	Councillor
Eddy Sarkis	Councillor
Tom Zreika	Councillor (via web conferencing)
Peter Fitzgerald	General Manager
Melissa Attia	Director Community and Organisation Development/Deputy General Manager
Daniel Cavallo	Director Environment & Planning
Brendan Govers	Acting Director City Services

Also Present:

Charlie Ayoub	Executive Manager General Manager's Unit
Colin McFadzean	General Counsel
Carol Karaki	Senior Coordinator Governance & Civic Events
Monica Shenouda	Acting Senior Governance & Civic Events Officer

The Mayor, Councillor Christou declared the meeting open at 6:37pm.

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

The General Manager declared a less than significant, non-pecuniary interest in Item C10/21-870 as his wife is employed a firm engaged by a tenderer to provide assistance with their submission. The General Manager advised he would exit the Chamber during the consideration of this item.

Confirmation of Minutes

**Min.1326 C10/21-863 Minutes of the Ordinary Meeting of Council – 30
September 2021 and 06 October 2021**

Resolved (Attie/Sarkis)

That Council confirm the minutes of the Ordinary Meeting of Council held on 30 September 2021 and 6 October 2021.

Min.1327 MM10/21-77 Mayoral Minute – Infrastructure Contributions Reforms

Resolved (Christou)

1. Calls on the NSW Government to withdraw the *Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021* (the Bill) from the NSW Parliament.
2. Calls on the NSW Government to undertake further consultation with the local government sector on any proposed reforms to the infrastructure contributions system.
3. Calls on the NSW Government to de-couple the Independent Pricing and Regulatory Tribunal led review of the rate peg to include population growth from the infrastructure contributions reforms.
4. Write to the Premier the Hon Dominic Perrottet MP, Treasurer the Hon Matt Kean MP, Minister for Planning and Public Spaces the Hon Rob Stokes MP, Minister for Local Government the Hon Shelley Hancock MP, our local State Members, and any other relevant MP's seeking them to withdraw the Bill.
5. Alerts the local media to the threat of future ratepayer funds being expended rather than developer levies for new infrastructure brought about by increased development under the proposed legislation and shares and promotes these messages via its digital and social media channels and via its networks.

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6. Affirms its support to LGNSW and requests LGNSW continue advocating on our behalf to protect local government from any amendments to infrastructure contributions which leaves councils and communities worse off.

Carried Unanimously

Public Forum

The Mayor, Councillor Christou advised that Council received (2) written submissions in relation to item C10/21 – 869 Outcome of Tender - Final Negotiations & Community Engagement - Proposed Sale of 13 John Street, Lidcombe, one from Mr Tony Oldfield and one from Mr Roydon Ng which the Council Officers had circulated to all Councillors prior to the meeting. The General Manager proceeded to read them out.

Min.1328 Closed Session

Resolved (Attie/Garrard)

At this stage of the meeting being 6:53pm, Council suspended orders in accordance with Clause 8.2 of the Code of Meeting Practice to enter into Closed Session to consider items C10/21-869 and C10/21-870. 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:

(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,

(ii) confer a commercial advantage on a competitor of the council.

Min.1329 Open Session

Resolved (Elmore/Zaiter)

Council returned to Open Session at 7.19pm to resolve Confidential Item:

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|------------|---|
| C10/21-869 | Outcome of Tender - Final Negotiations & Community Engagement - Proposed Sale of 13 John Street, Lidcombe |
| C10/21-870 | Outcome of Tender Process - Lease of Wyatt Park Basketball Centre |

C10/21-869 Outcome of Tender - Final Negotiations & Community Engagement - Proposed Sale of 13 John Street, Lidcombe

Note: At this point of the Meeting, Councillor Zreika declared a less than significant, non-pecuniary interest as he has acted for one of the tenderers in the past however does not act for them now. Councillor Zreika exited the Meeting at 7:02pm and returned to the Meeting at 7:18pm following the consideration of this item.

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

Min.1330 C10/21-870 Outcome of Tender Process - Lease of Wyatt Park Basketball Centre

Note: The General Manager exited the Chamber prior to the consideration of this item at 7:18pm and returned to the Chamber following the consideration of this item at 7:20pm, as he had declared a less than significant, non-pecuniary interest in this item.

Resolved (Cummings/Sarkis)

That Council:

1. Accept the tender received from Parramatta Basketball Association Inc, and approve a lease for a 21 year term over Wyatt Park Basketball Centre, in accordance with Clause 178 (1)(a) of the *Local Government (General) Regulation 2021*.
2. Undertake 28 days Public Notice of the proposed lease.
3. Delegate authority to the General Manager to finalise the terms of the lease and execute the agreement if no adverse submissions are received.

Carried Unanimously

Note of Condolence

At this point in the Meeting, Councillor Lake advised the Chamber of the passing of the former Holroyd City Councillor Yvette Whitfield's husband Les, and offered condolences to their family. Accordingly, the Mayor, Councillor Christou offered condolences to the Whitfield family on behalf of Council.

Min.1331 Items by Exception

Resolved (Sarkis Cummings)

That Council adopt item C10/21-864 on the Council Agenda as per the recommendation in the report.

Min.1332 C10/21-864 Legal Report

Resolved (Sarkis/Cummings)

That the report be received.

Min.1333 C10/21-865 Draft Annual Financial Statements 2020/21**Resolved (Saha/Elmore)**

That Council:

1. Pursuant to the provisions of Section 413 of the *Local Government Act 1993*, hereby declares that it has prepared the Annual Financial Statements for the 2020/2021 financial year ending 30 June 2021, and has formed an opinion based on the advice of Council officers and reports attached, that the Annual Financial Statements for Cumberland City Council:
 - a) Have been prepared in accordance with:
 - the *Local Government Act 1993* (as amended) and the Regulations made there under;
 - the Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board;
 - The Local Government Code of Accounting Practice and Financial Reporting.
 - b) Present fairly Council's operating results and financial position for the 2020/21 financial year.
 - c) Accord with Council's accounting and other records and that Council is not aware of any matters that would render these statements false or misleading in any way.
2. Pursuant with Section 413(2)(c) of the *Local Government Act*, authorise the Mayor, Deputy Mayor, General Manager and the responsible accounting officer to sign the 'Statements by Councillors and Management' for the General Purpose and Special Purpose Financial Statements which must then accompany these reports.
3. Publish a public notice as soon as practicable after Council receives a copy of the auditor's reports to advise of the Presentation by the Audit Office of the 2020/21 Financial statements at the Ordinary Council meeting to be held on 17 November 2021, as per Section 418 (3) of the *Local Government Act*.

Carried Unanimously

Councillor Rahme left the Meeting at 7:24pm and returned to the Meeting at 7:32pm during the consideration of this item.

Min.1334 C10/21-866 Investment Report - September 2021**Resolved (Attie/Garrard)**

That Council receive the September 2021 Investment Report.

Carried Unanimously

Min.1335 C10/21-867 Review of Planning Proposal Notification Policy**Resolved (Attie/Sarkis)**

That Council readopt the Planning Proposal Notification Policy subject to the following amendment:

“On page 2 of the policy add the words “and occupants” after the word “owners” each time it occurs in point b and at the top of the third column of the table.”

Carried Unanimously

Min.1336 C10/21-868 Notice of Motion - Council Poll in Conjunction with the Ordinary Election**Motion Lake/Cummings**

That:

1. A Council poll be held in conjunction with the ordinary election of Councillors on 4 December 2021, for the information and guidance of Council, which asks the following question:

“On 12 May 2016 parts of City of Auburn, City of Holroyd and City of Parramatta areas were amalgamated by the NSW Government into a new local government area known as Cumberland. Should Cumberland Council prepare a business case to the Minister for Local Government which sets out a proposal for the de-amalgamation of this Cumberland local government area?”
2. That the General Manager notify the NSW Electoral Commissioner of this question prior to 12 noon on Monday 25 October 2021.

ADJOURNMENT

8:43pm The Mayor, Councillor Christou adjourned the Meeting for a short recess during the consideration of this item due to technical issues with the livestream of the Council Meeting.

8:55pm The Mayor, Councillor Christou resumed the Meeting and consideration of this item continued accordingly as the technical issue had been resolved.

Amendment (Garrard/Sarkis)

That Council:

1. Have a report prepared for the incoming Council regarding the pros and cons of de-amalgamation.
2. Immediately register the following business trading names and associated website domains: Central City Council and Central River City Council.

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

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

The Amendment moved by Councillor Garrard seconded by Councillor Sarkis then became the Motion.

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

The Mayor, Councillor Christou closed the meeting at 9:20pm.

Chairperson _____ General Manager _____