

---

## Minutes of the Council Meeting 4 December 2019

### Meeting commenced at 6:30pm

---

**Present:**

Steve Christou (Mayor)	Councillor
Eddy Sarkis (Deputy Mayor)	Councillor (arrived 6:39pm)
Ned Attie	Councillor (arrived 6:39pm)
George Campbell	Councillor
Greg Cummings	Councillor
Glenn Elmore	Councillor
Paul Garrard	Councillor
Ola Hamed	Councillor
Kun Huang	Councillor
Lisa Lake	Councillor
Suman Saha	Councillor
Michael Zaiter	Councillor
Hamish McNulty	General Manager
Brooke Endycott	Director Community Development
Peter Fitzgerald	Director Works & Infrastructure
Richard Sheridan	Director Finance & Governance

**Also Present:**

Charlie Ayoub	Executive Manager Corporate Services
Monica Cologna	Executive Manager City Strategy
Colin McFadzean	Legal Counsel
Ethan Taylor	Manager Business Improvement and Integration
Carol Karaki	Governance Coordinator
Olivia Shields	Senior Governance Officer

**Opening Prayer**

The opening prayer was read by Pastor Edward Conteh representing Combined Christian Churches of Cumberland.

**Acknowledgement of Country**

The Mayor, Councillor Christou opened the Meeting with 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.

---

**Min.812      Apologies/Leave of Absence****Resolved (Zaiter/Cummings)**

That Councillors Rahme and Zreika be granted Leave of Absence for this Council Meeting.

---

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

The General Manager declared a non-pecuniary, less than significant interest in Item C12/19-297 as he was involved in making decisions on the Code of Conduct matters.

Councillor Lake declared a non-pecuniary, less than significant interest in Items C12/19-299 and C12/19-301 as she has a personal friendship and political association with a resident who owns property and resides in the vicinity of the subject sites. Councillor Lake advised that her relationship with this gentleman was not so close as would cause her to put any private interests above her public duty. Therefore she remained in the Chamber for the consideration of these items.

---

**Confirmation of Minutes****Min.813      C12/19-296 Minutes of the Ordinary Meeting of Council - 20 November 2019****Resolved (Garrard/Cummings)**

That Council confirm the minutes of the Ordinary Meeting of Council held on 20 November 2019.

---

**Public Forum:****Speakers on Items on the Council Meeting Agenda**

Speaker	Item #	Suburb
Mr Christian De Anglis	C12/19-299 Wentworthville Town Centre Planning Proposal and Development Control Plan	Rydalmere
Miss Sophy Purton	C12/19-301 Planning Proposal for 55-57 Station Street and 6 Pritchard Street East, Wentworthville	Sydney

Mr Matt Sonter	C12/19-315 Proposed dealings with Council owned land at 13 John Street, Lidcombe	Sydney
Mrs Evelyn Beaver	C12/19-316 Tender Evaluation Report - Legal Services Panel	Riverstone

---

**Min.814          Suspension of Standing Orders**

**Resolved (Cummings/Sarkis)**

That in accordance with Clause 8.2 of the Code of Meeting Practice, Council suspend standing orders to allow Items C12/19-299 and C12/19-301 to be brought forward for consideration at this time of the Meeting.

---

**Min.815          C12/19-299 Wentworthville Town Centre Planning Proposal and Development Control Plan**

**Motion (Attie/Sarkis)**

That Council:

1. Note the matters raised in submissions received during the exhibition of the draft Planning Proposal and draft Development Control Plan for the Wentworthville Town Centre;
2. Endorse the recommended planning controls for the Wentworthville Town Centre, as provided in Attachment 1, which are supported by the Cumberland Local Planning Panel;
3. Forward the Planning Proposal, as provided in Attachment 2, to the Department of Planning, Industry and Environment to be finalised and gazetted;
4. Adopt the Development Control Plan as an amendment to the Holroyd Development Control Plan 2013, as provided in Attachment 3, with the Development Control Plan coming into effect on the date of notification (gazettal) of the Local Environmental Plan amendment; and
5. Delegate to the General Manager the authority to make minor, non-policy corrections or formatting changes to the Planning Proposal and Development Control Plan, if required, prior to it coming into effect.

**Amendment (Lake/Saha)**

Amend recommendation 2 to add:

“except for the proposed planning controls for the site on the west side of Station St between The Kingsway and Dunmore Street which is to be amended from a maximum building height of 53m to a maximum building height of 41m and from an FSR of 4.5:1 to an FSR of 4:1.”

---

**Foreshadowed Amendment (Lake/Saha)**

Insert a further recommendation as follows:-

“Council Officers consider and provide a report on planning for a single major off-street carpark south of Dunmore St and a single carpark north of Dunmore St, that could be tied in with a major development in each area”

**Foreshadowed Amendment (Lake/Saha)**

Insert a further recommendation as follows:-

“Council Officers consider and provide a report detailing indicative traffic management options for discouraging east-west through traffic on streets south of Pritchard St East (namely McKern, Perry and Bennett Streets) once the full by-pass option is implemented.”

The Amendment moved by Councillor Lake seconded by Councillor Saha on being Put to the meeting 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, Hamed, Huang, Lake and Saha.

Councillor(s) Against the Amendment: Attie, Christou, Cummings, Garrard, Elmore, Sarkis and Zaiter.

The Foreshadowed Amendment of Councillor Lake then became the Amendment.

The Amendment moved by Councillor Lake seconded by Councillor Saha on being Put to the meeting 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 Amendment: Campbell, Elmore, Hamed, Huang, Lake and Saha.

Councillor(s) Against the Amendment: Attie, Christou, Cummings, Garrard, Sarkis and Zaiter.

The second Foreshadowed Amendment of Councillor Lake then became the Amendment.

The Amendment moved by Councillor Lake seconded by Councillor Saha on being Put to the meeting 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 Amendment: Campbell, Elmore, Hamed, Huang, Lake and Saha.

---

Councillor(s) Against the Amendment: Attie, Christou, Cummings, Garrard, Sarkis and Zaiter.

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, Campbell, Christou, Cummings, Garrard, Elmore, Hamed, Huang, Lake, Saha, Sarkis and Zaiter.

Councillor(s) Against the Motion: Nil

---

**Min.816 C12/19-301 Planning Proposal for 55-57 Station Street and 6 Pritchard Street East, Wentworthville**

**Motion (Attie/Sarkis)**

That Council:

1. Prepare a planning proposal for 55-57 Station Street and 6 Pritchard Street East, Wentworthville, with the following built form and additional permitted use controls:
  - a) Floor Space Ratio control of 3:1 on the entire site;
  - b) Maximum Height of Building control of 41 metres on 55 - 57 Station Street and 17 and 23 metres on 6 Pritchard Street; and
  - c) Introduce a 100m<sup>2</sup> gymnasium as an additional permitted use for the site.
2. Endorse that the planning proposal for 55-57 Station Street and 6 Pritchard Street East, Wentworthville, be forwarded to the Department of Planning, Industry and Environment for a Gateway Determination.
3. Prepare a Development Control Plan to provide further planning controls for the site, should a Gateway Determination be received.
4. Prepare a Voluntary Planning Agreement to derive public benefit, should a Gateway Determination be received.

The Motion 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: Attie, Christou, Garrard, Sarkis and Zaiter.

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

Council did not make a resolution on this matter.

---

**Min.817          Resumption of Standing Orders****Resolved (Attie/Sarkis)**

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

---

**Min.818          Items by Exception****Resolved (Attie/Sarkis)**

At this time of the meeting, all items on the agenda not called for discussion were moved collectively, as shown:

That item numbers C12/19-297, C12/19-298, C12/19-306, C12/19-307, C12/19-308, C12/19-309, C12/19-314 and C12/19-317 be moved in bulk.

---

**Min.819          C12/19-297 Code of Conduct - Statistical Report 1 September 2018 to 31 August 2019****Resolved (Attie/Sarkis)**

That the report be received.

---

**Min.820          C12/19-298 Laneway off Church Street, Lidcombe - Proposed Part Closure and Sale****Resolved (Attie/Sarkis)**

That Council:

1. Approve in principle the permanent closure of part of the laneway that runs off Church Street, Lidcombe between John Street and Olympic Drive.
2. Advertise the proposed closure and sale of the laneway in the local newspaper for a period of 28 days.
3. Authorise the General Manager to undertake a public sale process for the sale of the road once closed, in accordance with independent valuation and legal advice if no adverse submissions are received.

---

**Min.821          C12/19-306 Community Mulching Service****Resolved (Attie/Sarkis)**

That Council:

1. Cease to operate the Community Mulching Service at Guildford depot from 2 February 2020; and
2. Undertake a community engagement campaign to promote the range of alternate garden vegetation material disposal options now available to all Cumberland residents.

---

**Min.822          C12/19-307 Draft Environmental Health Strategy****Resolved (Attie/Sarkis)**

That Council place the *Draft Environmental Health Strategy* 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.

---

**Min.823          C12/19-308 Cumberland Traffic Committee - Minutes of Meeting held on 6 November 2019****Resolved (Attie/Sarkis)**

That the minutes of the Cumberland Traffic Committee meeting held on 6 November 2019 be received and the recommendations contained therein be approved.

---

**Min.824          C12/19-309 Audit, Risk and Improvement Committee - Minutes of Meetings Held****Resolved (Attie/Sarkis)**

That Council:

1. Receive the Minutes of the Audit, Risk and Improvement Committee meetings held on 26 August 2019 and 13 September 2019.
2. Receive the Draft Minutes of the Audit, Risk and Improvement Committee meeting held on 11 November 2019.

---

**Min.825      C12/19-314 WSROC Power Purchase Agreement****Resolved (Attie/Sarkis)**

That Council:

1. Due to extenuating circumstances, approve an exemption to Tender under s.55 (3)(i) of the *Local Government Act 1993*, as due to the unavailability of competitive or reliable tenderers, a satisfactory result would not be achieved by inviting tenders, noting that Western Sydney Regional Organisation of Councils (WSROC) have already undertaken an extensive EOI and evaluation process; and
2. Enter into the 10-year Power Purchase Agreement on offer from renewable energy developer Genex Power (ABN:18 152 098 854) through WSROC, subject to satisfactory legal review; and
3. Delegate authority to the General Manager to negotiate and execute a Power Purchase Agreement through WSROC Ltd, and enter a Council Buyers' Membership Agreement for the Power Purchase Agreement for up to 19,000MW.

---

**Min.826      C12/19-317 Tender for Receiving and Processing of Council's Bulky (Hard) Waste - T-2019-022****Resolved (Attie/Sarkis)**

That Council:

1. Accept the Tender Evaluation Panel's recommendation to award the Contract for Receiving and Processing of Bulky Waste to Cleanaway Pty Ltd, ABN 79 000 164 938, in accordance with Clause 178(1)(a) of the *Local Government (General) Regulations 2005*, for three years at the tendered per tonne rate (with two extension options of 1 year each at Council's discretion) as the most advantageous and best value offer received.
2. Delegate to the General Manager the authority to execute the contract and any associated documents.

---

**Min.827      C12/19-300 Wentworthville Centre Public Domain Plan****Resolved (Attie/Sarkis)**

That Council place the Draft Wentworthville Public Domain Plan on public exhibition for a period of 28 days, with a report to be provided back to Council following the conclusion of the 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: Attie, Campbell, Christou, Cummings, Garrard, Elmore, Hamed, Huang, Lake, Saha, Sarkis and Zaiter.

Councillor(s) Against the Motion: Nil

---

**C12/19-301 Planning Proposal for 55-57 Station Street and 6 Pritchard Street East, Wentworthville**

This item was dealt with earlier in the meeting.

---

**Min.828 C12/19-302 Post-Exhibition Report – Planning Proposal for 100 Woodville Road, Granville**

**Resolved (Attie/Garrard)**

That Council:

1. Adopt the recommended planning controls for 100 Woodville Road, Granville:
  - Rezone the site from R2 Low Density Residential to R3 Medium Density Residential;
  - Increase the maximum height of building from 9m to 12m; and
  - Amend the maximum floor space ratio from 0.5:1 to 1:1.
2. Finalise the planning proposal, as delegated by the Minister.
3. Note that this LEP amendment will be published in the Government Gazette upon finalisation.

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, Garrard, Elmore, Hamed, Huang, Lake, Saha, Sarkis and Zaiter.

Councillor(s) Against the Motion: Nil

---

**Min.829 C12/19-303 Proposed Miscellaneous Planning Controls for Inclusion in the New Cumberland Development Control Plan**

**Resolved (Attie/Elmore)**

That Council:

1. Endorse the planning approach for miscellaneous development controls in the Cumberland area, as provided in Attachment 1; and

- 
2. Note that the above items will be included in the draft Cumberland Development Control Plan.

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, Garrard, Elmore, Hamed, Huang, Lake, Saha, Sarkis and Zaiter.

Councillor(s) Against the Motion: Nil

---

**Min.830 C12/19-304 Open Space Acquisition Review - 74, 76 and 78 John Street Lidcombe**

**Motion (Campbell/Garrard)**

That Council not proceed with the proposed rezoning of 74, 76 and 78 John Street, Lidcombe.

**Amendment (Zaiter/Attie)**

That Council add the following point to the original motion:

"Actively negotiate with the owners of the properties and investigate various financing options to purchase the properties."

The Amendment moved by Councillor Zaiter seconded by Councillor Attie 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: Attie, Hamed, Saha and Zaiter.

Councillor(s) Against the Amendment: Campbell, Christou, Cummings, Garrard, Elmore, Huang, Lake and Sarkis.

The Motion moved by Councillor Campbell seconded by Councillor Garrard on being Put was declared CARRIED to become the resolution of Council.

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, Garrard, Elmore, Hamed, Huang, Lake, Saha, Sarkis and Zaiter.

Councillor(s) Against the Motion: Nil

---

Councillor Sarkis left the Meeting at 7:44pm and returned to the Meeting at 7:48pm during the consideration of this item.

---

**Min.831      C12/19-305 Response to Notice of Motion - Anchor Fees**

**Resolved (Attie/Sarkis)**

That Council:

1. Note the information contained within this report; and
2. Implement a reduction to the bond applied to anchor fees as part of the Schedule of Fees and Charges process, to reflect a \$50,000 flat fee so as to more closely align with the charge applied by other councils.
3. Change the application fee to \$1500.00.
4. Change the per anchor fee to \$500.00.

---

**C12/19-306 Community Mulching Service**

This item was dealt with earlier in the meeting.

---

**C12/19-307 Draft Environmental Health Strategy**

This item was dealt with earlier in the meeting.

---

**C12/19-308 Cumberland Traffic Committee - Minutes of Meeting held on 6 November 2019**

This item was dealt with earlier in the meeting.

---

**C12/19-309 Audit, Risk and Improvement Committee - Minutes of Meetings Held**

This item was dealt with earlier in the meeting.

---

**Min.832      C12/19-310 Notice of Motion - Clear-Way Zone on Greystanes Road between Butu Wargun Drive and the Great Western Highway**

**Resolved (Sarkis/Zaiter)**

That Council investigate and receive a report on creating a clear-way zone on Greystanes Road between Butu Wargun Drive and the Great Western Highway during peak hours in the morning and evening.

---

**C12/19-311 Notice of Motion - Progress Park**

This Motion was withdrawn by Councillor Sarkis.

---

**Min.833      C12/19-312 Notice of Motion - Surveillance Cameras at the Intersection of Old Prospect Road and Cumberland Highway****Resolved (Sarkis/Zaiter)**

That Council:

1. Communicate with the RMS, Minister for Roads and the local MP requesting that surveillance cameras be implemented at the intersection of Old Prospect Rd & Cumberland Highway, as trucks and other vehicles often stop in the middle of the intersection stopping traffic flow in other directions and are causing hazardous traffic conditions; and
2. Refer this matter to the Cumberland Local Traffic Committee for consideration.

Councillor Cummings left the Meeting at 8:11pm during the consideration of this item.

---

**Min.834      C12/19-313 Notice of Motion - Right Arrow to be Implemented at the Intersection of Old Prospect Road and Cumberland Highway****Resolved (Sarkis/Zaiter)**

That Council:

1. Communicate with the RMS, Minister for Roads and the local MP requesting that a right arrow traffic light be implemented at the intersection of Old Prospect Rd and Cumberland Highway. Traffic heading in an Easterly direction turning right onto Cumberland Hwy to then head in a Southerly direction; and
2. Refer this matter to the Cumberland Local Traffic Committee for consideration.

Councillor Cummings returned to the Meeting at 8:14pm during the consideration of this item.

---

**C12/19-314 WSROC Power Purchase Agreement**

This item was dealt with earlier in the meeting.

---

**Min.835      Closed Session****Resolved (Sarkis/Cummings)**

At this stage of the meeting being 8:22pm, 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*

(g) *advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

---

**Min.836            Open Session**

**Resolved (Sarkis/Cummings)**

Council returned to Open Session at 9:06pm to resolve the below Confidential Items:

C12/19-315    Proposed dealings with Council owned land at 13 John Street, Lidcombe

C12/19-316    Tender Evaluation Report - Legal Services Panel

---

**Min.837            C12/19-315 Proposed dealings with Council owned land at 13 John Street, Lidcombe**

**Note:** Mr Matt Sonter addressed Council in relation to this item prior to the consideration of the item in closed session.

**Resolved (Garrard/Hamed)**

That Council:

1. Place 13 John Street, Lidcombe for sale via a public process.
2. A further report be presented to Council detailing any recommended special conditions of sale for inclusion in contract documents.
3. Inform the proponent of the unsolicited proposal that the unsolicited proposal will not be considered further.

**Foreshadowed Motion (Attie/Zaiter)**

That Council inform the proponent that Council will consider an unsolicited proposal and further negotiations will continue in accordance with option 2 in the Report.

The Motion moved by Councillor Garrard seconded by Councillor Hamed on being Put was declared CARRIED to become the resolution of Council.

---

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, Elmore, Hamed, Huang, Lake, Saha and Sarkis.

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

---

**Min.838 C12/19-316 Tender Evaluation Report - Legal Services Panel**

**Note:** Mrs Evelyn Beaver addressed Council in relation to this item prior to the consideration of the item in closed session.

**Resolved (Zaiter/Elmore)**

That Council:

1. Accept the Tender Evaluation Panel's recommendation to award the contract to (in alphabetical order):
  - HWL Ebsworth Lawyers;
  - Lindsay Taylor Lawyers;
  - Local Government Legal;
  - Marsdens Law Group;
  - Matthews Folbigg Pty Ltd;
  - Pikes & Verekers Lawyers; and
  - Storey & Goughin accordance with Clause 178(1)(a) of the Local Government (General) Regulations 2005, for a three year period with two x one year options to extend at Council's sole discretion.
2. Delegate to the General Manager the authority to execute the contract and any associated documents.

---

**Min.839 Matter of Urgency – Councillor Sarkis**

**Resolved (Sarkis/Zreika)**

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 maintenance of overgrown grass.

---

**Min.840 Matter of Urgency – Maintenance of Overgrown Grass**


**Resolved (Sarkis/Cummings)**

That Council have the overgrown grass maintained along the Canal Cycleway, Greystanes and also look at the Marrong Reserve, Pemulwuy.

**Carried Unanimously**

---

The Mayor, Councillor Christou closed the meeting at 9:11pm.

Chairperson  General Manager 