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## Minutes of the Council Meeting 2 September 2020

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**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
Paul Garrard	Councillor
Ola Hamed	Councillor (via web conferencing)
Kun Huang	Councillor (via web conferencing)
Lisa Lake	Councillor
Joseph Rahme	Councillor (arrived 6:35pm)
Suman Saha	Councillor
Michael Zaiter	Councillor
Tom Zreika	Councillor (via web conferencing)
Hamish McNulty	General Manager
Melissa Attia	Director Community & Organisation Development
Daniel Cavallo	Director Environment & Planning
Peter Fitzgerald	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
Olivia Shields	Senior Governance Officer

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

**Opening Prayer**

The opening prayer was read by Reverend Brian Rensford from Holroyd New Life 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.

**Apologies/Leave of Absence**

Nil

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

There were no declarations of interest.

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**Confirmation of Minutes**

**Min.812            C09/20-531 Minutes of the Ordinary Meeting of Council - 19 August 2020**

**Resolved (Sarkis/Cummings)**

That Council confirm the minutes of the Ordinary Meeting of Council held on 19 August 2020.

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**Min.813            MM09/20-39 Mayoral Minute - PCYC in Merrylands**

**Resolved (Christou)**

That Council identify suitable locations within Council's Property portfolio for a potential lease to NSW PCYC, for the purpose of establishing a new PCYC in the Merrylands area.

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

Speaker	Item #	Suburb
Ms Lesley Spaliviero	C09/20-540 Notice of Motion - Fruit Bearing Trees within Pemulwuy	Pemulwuy
Ms Dorothy Warwick	C09/20-536 Linnwood Estate Business Plan	Guildford

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**Min.814          Suspension of Standing Orders****Resolved (Sarkis/Cummings)**

That in accordance with Clause 8.2 of the Code of Meeting Practice, Council suspend standing orders to allow Items C09/20-540 and C09/20-536 to be brought forward for consideration at this time of the Meeting.

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**Min.815          C09/20-540 Notice of Motion - Fruit Bearing Trees within Pemulwuy****Resolved (Sarkis/Garrard)**

That Council create a list of appropriate fruit bearing tree species, to be planted along Council's nature strips in liaison with the community within Pemulwuy and in providing the report, Council considers the following points:

1. Given the history of the suburb, and the unknown levels of toxicity of the soil, edibles should not be planted straight into the ground. Residents would have to follow guidelines such as colour, sizing, materials, height etc to plant the fruit trees in a pot or raised bed that would sit on the verge. This would mean the trees would grow in the potting mix – avoiding any issues around the soil toxicity.
2. The narrow streets of Pemulwuy must be taken into consideration – Again, there should be guidelines around the distance of the pot/raised bed/plant from the kerb edge, from street furniture, electrical poles, footpaths etc.
3. Accountability for the resident who is planting the tree – Just as residents are responsible for keeping the verge mowed, they should also be responsible for the tree. The council could have a form that needs to be filled with a checklist so that the planting needs to be approved and registered with Council. Dropped fruit would need to be cleaned off the ground, the tree kept neat and tidy. Guidelines around netting the tree while fruiting to discourage bats and birds from eating the fruit and creating fruit dropping and the potential mess on the verge.
4. Subject to the adoption of the report, that Council implement a Policy and Guidelines in regards to planting fruit bearing trees similar to the Draft Goods on Display Policy and Guidelines.

The Motion moved by Councillor Sarkis 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 Motion:	Attie, Campbell, Christou, Cummings, Elmore, Garrard, Hamed, Huang, Lake, Saha, Sarkis, and Zreika.
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Councillor(s) Against the Motion:	Rahme and Zaiter.
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**Min.816            C09/20-536 Linnwood Estate Business Plan**

**Resolved (Cummings/Sarkis)**

That Council:

1. Note the finalised Business Plan conditionally approved by Heritage NSW for Linnwood Estate.
2. Endorse in principle Option 3 to proceed to a further feasibility assessment, as the highest and best use on site representing the best financial option to Council.
3. Endorse that Option 3 only proceed subject to the results of an Expression of Interest process for the partial future use and rectification of McCredie Cottage which should include some possible provision for Sunnyfield due to the possible demolition of Faulds House.
4. Continue consultation with the key stakeholders.
5. Continue ongoing and regular engagement with the Friends of Linnwood during the feasibility and archaeological assessment processes and during any further steps that are required to ensure the Heritage NSW endorsement of the Conservation Management Plan.

**Carried Unanimously**

Councillor Rahme left the Meeting at 7:17pm and returned to the Meeting at 7:19pm during the consideration of this item.

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**Min.817            Matter of Urgency – Councillor Rahme**

**Resolved (Rahme/Zaiter)**

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 Granville Centre.

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**Min.818            Matter of Urgency – Granville Centre Synthetic Court**

**Motion (Rahme/Zaiter)**

That:

1. Council designate the synthetic court at the Granville Centre as a bookable space; and
2. Place the fees proposed below on public exhibition for a period of 28 days, and adopt the fees if no adverse submissions are received.

	Cumberland City Council Resident	Not a Resident of Cumberland City Council
Monday-Friday 9.00am- 5.00 pm	\$12.00 per hour	\$15.00 per hour
Monday-Friday 5.00 pm-8.00 pm	\$15.00 per hour	\$20.00 per hour
Weekend	\$20.00 per hour	\$30.00 per hour
<b><i>Note: Category A and B subsidy not applicable to this facility.</i></b>		

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**Amendment (Lake/Elmore)**

That the matter be deferred and a report be brought to the next Council Meeting for further consideration of the matter.

The Amendment moved by Councillor Lake seconded by Councillor Elmore 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, Zaiter and Zreika.

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

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

Councillor Saha left the Meeting at 7:49pm and returned to the Meeting at 7:51pm during the consideration of this item.

Councillor Cummings left the Meeting at 7:52pm and returned to the Meeting at 7:53pm during the consideration of this item.

Councillor Sarkis left the Meeting at 7:52pm and returned to the Meeting at 7:55pm during the consideration of this item.

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**Min.819      Resumption of Standing Orders****Resolved (Attie/Cummings)**

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.820          Items by Exception****Resolved (Attie/Sarkis)**

That Council adopt items C09/20-532, C09/20-533, C09/20-537, C09/20-539 and C09/20-543 on the Council Agenda in bulk as per the recommendations in the reports.

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**Min.821          C09/20-532 Review of Property Policy****Resolved (Attie/Sarkis)**

That Council re-adopt the *Property Policy* including minor amendments as outlined in this report.

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**Min.822          C09/20-533 Adoption of New Model Code of Conduct & Procedures for the Administration of the Code of Conduct****Resolved (Attie/Sarkis)**

That Council adopt the *Code of Conduct* and *Procedures for the Administration of the Code of Conduct* as attached to this report including the increase in the cap on gifts and benefits from \$50 to \$100.

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**Min.823          C09/20-537 Bad Debts Write-off 2020****Resolved (Attie/Sarkis)**

That Council endorse the write-off of unrecoverable trade debts and general abandonments identified in this report being \$30,588.24 in accordance with Clause 213 (3) of the *Local Government (General) Regulation 2005*.

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**Min.824          C09/20-539 Audit, Risk and Improvement Committee - Draft Minutes of Meeting Held on 10 August 2020****Resolved (Attie/Sarkis)**

That Council receive the Draft Minutes of the Audit, Risk and Improvement Committee meeting held on 10 August 2020.

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**Min.825          C09/20-543 Tender for the Receipt & Processing of Recyclable Material - T-2020-006 - Negotiation Outcome****Resolved (Attie/Sarkis)**

That Council:

1. Accept the Tender Negotiation Panel's recommendation to award the contract to Visy Recycling Pty Ltd in accordance with Clause 178(1)(a) of the *Local Government (General) Regulations 2005*, for a period of five years at an indicative annual cost of \$1,272,269, with the option to extend by one year on two occasions for the rate as outlined in this report.
2. Delegate to the General Manager the authority to finalise and execute the contract and any associated documents.

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**Min.826      C09/20-534 Draft Goods on Display Policy****Resolved (Attie/Elmore)**

That Council:

1. Place the *Draft Goods on Display Policy* with the supporting Guidelines 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 with the following amendments:
  - a) Change 1metre depth for the goods to 75cm.
  - b) Increase display area to a maximum of 75% of shopfront length, subject to maintaining appropriate clearance from the shop entry.
  - c) Include a provision regarding the management of shopping trolleys.
2. Provide notification to local businesses and invite them to comment.

Councillor Rahme left the Meeting at 8:08pm and returned to the Meeting at 8:11pm during the consideration of this item.

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**Min.827      C09/20-535 Report on Outstanding Council Resolutions****Motion (Saha/Elmore)**

That Council receive the report and bring back a report on the C07/20-499 Notice of Motion – Council Overheads to the next Council Meeting on 16 September 2020.

**Amendment (Garrard/Attie)**

That Council receive and note the report.

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

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

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

## **ADJOURNMENT**

**8:37pm** The Mayor, Councillor Christou adjourned the Meeting for a short recess during the consideration of this item.

**8:42pm** The Mayor, Councillor Christou resumed the Meeting and consideration of this item continued accordingly.

The motion moved by Councillor Garrard seconded by Councillor Attie on being Put was declared CARRIED on the casting vote of the Mayor 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, Garrard, Rahme, Sarkis, Zaiter and Zreika.

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

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### **C09/20-536 Linnwood Estate Business Plan**

This item was dealt with earlier in the meeting.

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### **C09/20-537 Bad Debts Write-off 2020**

This item was dealt with earlier in the meeting.

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### **Min.828 C09/20-538 Submission on the Draft Housing Diversity State Environmental Planning Policy**

#### **Resolved (Garrard/Sarkis)**

That Council:

1. Endorse the draft submission in Attachment 2 and forward to the Department of Planning, Industry and Environment; and
2. Delegate authority to the General Manager to finalise the draft submission, including any minor typographical or editorial changes.

**Carried Unanimously**



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**C09/20-539 Audit, Risk and Improvement Committee - Draft Minutes  
of Meeting Held on 10 August 2020**

This item was dealt with earlier in the meeting.

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**C09/20-540 Notice of Motion - Fruit Bearing Trees within Pemulwuy**

This item was dealt with earlier in the meeting.

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**Min.829 C09/20-541 Notice of Motion - Pemulwuy Playground****Resolved (Sarkis/Garrard)**

That Council:

1. Identify an appropriate location in Pemulwuy Playground, located between Watkin Tench Parade and Edward Drive, where there is an existing BBQ area, leash free dog park, 2 tennis courts, kids play equipment and a half court basketball court, for the delivery of a public toilet facility to service these amenities.
2. Identify the funding source for this public toilet facility in the report.

**Carried Unanimously**

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**Min.830 Closed Session****Resolved (Attie/Sarkis)**

At this stage of the meeting being 8:57pm, 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:*

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

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**Min.831 Open Session****Resolved (Sarkis/Elmore)**

Council returned to Open Session at 9:10pm to resolve the below Confidential Items:

C09/20-542 Tender Evaluation Report - Supply, Installation and Maintenance of Bus Shelters (Negotiation)

C09/20-544 Mixed Solid Waste Processing Agreement Extension

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C09/20-545 Proposed Sale and Future Redevelopment of 13 John Street, Lidcombe

C09/20-546 Outcome of Expression of Interest Process - Lease over Hyland Road Reserve, Greystanes

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**Min.832            C09/20-542 Tender Evaluation Report - Supply, Installation and Maintenance of Bus Shelters (Negotiation)**

**Resolved (Attie/Elmore)**

That Council:

1. Accept the Evaluation Panel's recommendation to award the contract to oOh!media (ABN 44 094 713 210) in accordance with Clause 178(1)(a) of the *Local Government (General) Regulations 2005*.
2. Delegate to the General Manager the authority to execute the contract and any associated documents.

**Carried Unanimously**

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**C09/20-543 Tender for the Receipt & Processing of Recyclable Material - T-2020-006 - Negotiation Outcome**

This item was dealt with earlier in the meeting.

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**Min.833            C09/20-544 Mixed Solid Waste Processing Agreement Extension**

**Resolved (Attie/Cummings)**

That Council extend the current waste receipt and processing agreement with SUEZ Recycling and Resource Recovery (NSW) Pty Ltd for a period of two (2) years, at a first year cost of \$7,900,751.86 commencing from 21 March 2021, and as outlined in the terms of the agreement and this report.

**Carried Unanimously**

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**Min.834            C09/20-545 Proposed Sale and Future Redevelopment of 13 John Street, Lidcombe**

**Resolved (Attie/Zaiter)**

That Council:

1. Decline all tenders in accordance with Clause 178(1)(b) of the *Local Government (General) Regulation 2005*, as all three tender submissions had probity risks, weaknesses and omissions identified in their submissions;
2. Enter into negotiations with the top two highest ranked tenderers in accordance with Clause 178(3)(e) of the *Local Government (General) Regulations 2005*, via

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an established negotiation protocol that includes the provision of a best and final offer, with a view of entering into a contract in relation to the tender; and

3. Receive a future report on the outcomes of the negotiations for determination.

**Carried Unanimously**

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**Min.835            C09/20-546 Outcome of Expression of Interest Process - Lease over Hyland Road Reserve, Greystanes**

**Resolved (Sarkis/Cummings)**

That Council:

1. Approve the Panel's recommendation to award a 20 year lease to Sydney Marae Alliance (ABN 16 000 744 141) for the use of land to construct a community facility, being part of Lot 2 DP525167 known as Hyland Road Reserve, Greystanes.
2. Delegate authority to the General Manager to negotiate and finalise the terms of the lease.

**Carried Unanimously**

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The Mayor, Councillor Christou closed the meeting at 9:12pm.

Chairperson  General Manager 