
Minutes of the Council Meeting 16 September 2020

Present:

Steve Christou (Mayor)	Councillor
Eddy Sarkis (Deputy Mayor)	Councillor (arrived 6:36pm)
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
Lisa Lake	Councillor
Joseph Rahme	Councillor
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 Father Dimitri Kokkinos representing the Greek Orthodox Archdiocese of Australia.

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.

Confirmation of Minutes

**Min.836 C09/20-547 Minutes of the Ordinary Meeting of Council - 2
September 2020**

Resolved (Cummings/Sarkis)

That Council confirm the minutes of the Ordinary Meeting of Council held on 2 September 2020.

**Min.837 MM09/20-40 Mayoral Minute - Response to Council's Public
Economic Statement**

Motion (Christou)

That Council:

1. Endorse the Mayoral Minute.
2. Express its extreme disappointment and condemn the Care for Cumberland Facebook Page and its use of derogatory child images which were posted without parent consent.
3. Continue to take child safety and privacy with the upmost seriousness, do everything in its power to combat such behaviour.
4. If necessary, seek the assistance of the NSW Police Force.

Motion of Dissent

Councillor Campbell advised that the Mayoral Minute is not urgent and raised a point of order accordingly. The Mayor, Councillor Christou ruled against his point of order. Councillor Campbell moved a motion of dissent.

The Motion of Dissent 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: Campbell, Elmore, Hamed, Huang, Lake and Saha.

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

Council then resumed debate on the Motion.

The Mayoral Minute 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 and Zaiter.

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

Councillor Hamed left the Meeting at 6:54pm and returned to the Meeting at 7:03pm during the consideration of this item.

Councillor Zreika left the Meeting at 7:03pm during the consideration of this item.

Public Forum:

Speakers on Items on the Council Meeting Agenda

Speaker	Item #	Suburb
Mr Daniel Dwyer	C09/20-555 Planning Proposal - Fresh Hope Site, Dunmore Street, Pendle Hill	Rhodes
Dr Diane Coleman	C09/20-560 Notice of Motion - Cumberland Local Environmental Plan	Merrylands
Mrs Josie Moncrieff	C09/20-560 Notice of Motion - Cumberland Local Environmental Plan	South Wentworthville

Following the above address, the Mayor, Councillor Christou read out a written submission received from Mr Patrick Condon in relation to Item C09/20-560 Notice of Motion - Cumberland Local Environmental Plan.

Councillors Attie and Sarkis left the Meeting at 7:04pm and returned to the Meeting at 7:10pm during Public Forum.

Councillor Zreika returned to the Meeting at 7:06pm during Public Forum.

Min.838 Suspension of Standing Orders**Resolved (Sarkis/Garrard)**

That in accordance with Clause 8.2 of the Code of Meeting Practice, Council suspend standing orders to allow Items C09/20-555 and C09/20-560 to be brought forward for consideration at this time of the Meeting.

Min.839 C09/20-555 Planning Proposal - Fresh Hope Site, Dunmore Street, Pendle Hill**Resolved (Zaiter/Rahme)**

That Council:

1. Endorse a planning proposal for the Fresh Hope site at Dunmore Street, Pendle Hill, that seeks to amend the Holroyd Local Environmental Plan 2013 to:
 - a. Rezone part of the site from R2 Low Density Residential and R3 Medium Density Residential to R4 High Density Residential and RE2 Private Recreation
 - b. Amend the Height of Building control for the site from 9m and 11m to 12.5m and 32m
 - c. Amend the Floor Space Ratio control for the site from 0.5:1, 0.7:1 and 0.85:1 to 0.85:1 and 1.5:1
 - d. Amend Schedule 1 to permit 'food and drink premises' and 'medical centre' as additional permitted uses on the site.
2. Endorse that the planning proposal for the Fresh Hope site at Dunmore Street, Pendle Hill, be forwarded to the Department of Planning, Industry and Environment for a Gateway Determination.
3. Should a gateway determination be received, Council prepare a draft site specific Development Control Plan and pursue discussions with the proponent as to possible terms of a Planning Agreement, noting the Council's desire to achieve public benefit by securing public rights of access over open ground within the proposed RE2 zoned land.
4. That in the development of a draft site-specific Development Control Plan, further consideration be given to the impact of this development on the residents located on the northern side of Collins Street including:
 - The proximity of any internal link road to the residents of Collins Street at the eastern end, noting the position of dwellings very close to the boundary,
 - The setback for any buildings on the southern and south eastern boundary, noting that the setback for buildings on the southern boundary of the adjoining Bonds site is 12 metres,
 - The built form adjoining the precinct's southern boundary, which should be separated into distinct, separate buildings to avoid the creation of a continuous boundary edge condition, and

- The height of any building in the south east corner of the site (marked C2 on the indicative masterplan).

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

Councillor(s) Against the Motion: Nil

Councillors Attie and Sarkis left the Meeting at 7:14pm prior to the consideration of this item.

Min.840 C09/20-560 Notice of Motion - Cumberland Local Environmental Plan

Motion Attie/Zaiter

That Council:

1. Note the additional submissions received from various local stakeholders for the new Cumberland Local Environmental Plan.
2. Endorse the following additional site specific planning controls to be included in the new Cumberland Local Environmental Plan;
 - a) 2 Ruth Street and 6 Burnett Street Merrylands – Increase Height to 17m and FSR to 2:1 in line with the adjacent B1 Zoning Controls as adopted at the ordinary meeting of council 15 July 2020.
 - b) 68 McArthur Street Guildford to be zoned R4 with FSR of 1.5:1 and HOB of 21m.
 - c) 32-34 Marian Street and 2A Bury Road Guildford to be zoned R4 with FSR of 1.7:1 and HOB of 21m.
 - d) 27-29 Gelibolu Parade Auburn to be zoned B4 with FSR of 5:1 and HOB of 45m.
 - e) 7-10 Wayman Place Merrylands to have FSR of 3.5:1 and HOB of 38m.
 - f) 90A-100 Auburn Road Auburn to be zoned B4 with FSR of 3:1 and HOB of 32m
3. Delete clause 6.12 of the new Cumberland Local Environmental Plan as adopted at the ordinary meeting of Council on 15 July 2020 because it is unnecessary in light of (a) the proposal to permit residential flat buildings in the B2 and B4 zones and (b) to the extent that ground floor commercial premises are proposed, town planning objectives for street activation and the location of car parking can be addressed by Development Control Plan provisions.
4. Council review and provide a further report to Council on the adequacy of controls in the Cumberland Development Control Plan going to street activation, car parking location and setbacks for both commercial premises and residential flat buildings within the B2 and B4 zones.

Amendment (Lake/Saha)

Omit paragraphs 2 and 3 and insert:

2. In relation to 2 Ruth Street and 6 Burnett St Merrylands amend the controls to height 17m and FSR 2:1 in accordance with the recommendation of the Officers at Council meeting 15 July 2020.

The Amendment moved by Councillor Lake seconded by Councillor Saha 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, Huang, Lake and Saha.

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

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

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

Councillor Attie returned to the Meeting at 7:21pm during the consideration of this item.

Councillor Sarkis returned to the Meeting at 7:24pm during the consideration of this item.

Councillor Zreika left the Meeting at 7:35pm during the consideration of this item.

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

Min.841 Items by Exception**Resolved (Attie/Saha)**

That Council adopt items C09/20-548, C09/20-552, C09/20-553, C09/20-554 and C09/20-558 on the Council Agenda in bulk as per the recommendations in the reports.

Councillor Rahme left the Meeting at 7:53pm and returned to the Meeting at 7:55pm during the consideration of this item.

Councillor Zreika returned to the Meeting at 7:54pm during the consideration of this item.

Min.842 C09/20-548 Legal Report

Resolved (Attie/Saha)

That the report be received.

Min.843 C09/20-552 IPART Domestic Waste Management Charges Submission

Resolved (Attie/Saha)

That Council endorse the provision of a submission and attachment on IPART's Discussion Paper 'Local Council Domestic Waste Management Charges' based on the information in this report.

Min.844 C09/20-553 Investment Report - August 2020

Resolved (Attie/Saha)

That Council receive the 31 August Investment Report.

Min.845 C09/20-554 Monthly Management Accounts July 2020

Resolved (Attie/Saha)

That Council receive the information contained in this report.

Min.846 C09/20-558 Response to Notice of Motion - Food Delivery Services in the Cumberland LGA

Resolved (Attie/Saha)

That Council:

1. Place the *Draft Food Delivery Service Policy* on public exhibition for a period of 28 days.
2. Be provided with a further report detailing the outcome of the public consultation period.

Min. 847 C09/20-549 Quarterly Update on Community Safety & Crime Prevention Plan**Resolved (Lake/Cummings)**

That Council:

1. Receive this report and notes that due to the impact of COVID-19 implementation of the collaborative Cumberland Domestic and Family Violence Action Plan has been delayed.
2. Submits the following proposed Motion for consideration at the 2020 LGNSW Annual Conference:

“That LGNSW supports the current advocacy of the Australian Local Government Association and Domestic Violence NSW by seeking

- (a) A state of federal funded Domestic Violence Officer, a role which currently exists in the local government associations in Victoria and Queensland, and
- (b) Funding and resources to assist councils with prevention of violence initiatives and the implementation of the newly released national Local Government Domestic and Family Violence Prevention Toolkit.”

Carried Unanimously

Councillor Hamed left the Meeting at 8:00pm and returned to the Meeting at 8:01pm during the consideration of this item.

Min.848 C09/20-550 Response to Notice of Motion - Community Service Centre**Motion (Zaiter/Saha)**

That council receive the report and support the establishment of community service centres at the Wentworthville Community Centre Hub and the Berala Community Centre in the fourth quarter of the 2020/21 financial year as outlined by options 1 and 2 of the report.

Amendment (Garrard/Cummings)

That Council:

1. Receive and note the report.
2. Request a report as to what savings can be achieved in the present management plans/ or what projects can be deferred to enable the funding of a Wentworthville Community Service Centre in the final quarter of 2020/21.

The Amendment moved by Councillor Garrard seconded by Councillor Cummings 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: Christou, Cummings, Garrard, Hamed and Sarkis.

Councillor(s) Against the Amendment: Attie, Campbell, Elmore, Huang, Lake, Rahme, Saha, Zaiter and Zreika.

ADJOURNMENT

8:33pm The Mayor, Councillor Christou adjourned the Meeting for a short recess during the consideration of this item.

8:41pm The Mayor, Councillor Christou resumed the Meeting and consideration of this item continued accordingly.

The Motion moved by Councillor Zaiter seconded by Councillor Saha 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, Elmore, Huang, Lake, Rahme, Saha, Zaiter and Zreika.

Councillor(s) Against the Motion: Christou, Cummings, Garrard, Hamed and Sarkis.

Councillor Hamed left the Meeting at 8:15pm and returned to the Meeting at 8:16pm during the consideration of this item.

Min.849 C09/20-551 Cumberland City Council Community Grants Program

Motion (Lake/Saha)

1. Adopt the applications recommended for funding in Attachment 1 except the applications under community events grants program.
2. Advise all applicants under Round 2 of the Community Grants Program 2019/20 of funding allocations and provide feedback and support to applicants that were unsuccessful.
3. Withdraw any applications recommended for funding in 2019/20 if the organisation has not provided compulsory information to Council to enable payment before 31 October 2020.
4. Adopt the revised Program Structure for the Cumberland Community Grants Program 2020/21 included in item C05/20-428 – Attachment 3 (20 May 2020), excluding the Community Events Grants Program."

Amendment (Sarkis/Attie)

That Council:

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1. Advise all applicants that in light of Council's current financial situation no money will be allocated to any of the projects recommended for funding in Round Two of the Community Grants Program 2019/20.
 2. Provide feedback and support to all applicants about other available grant opportunities.
 3. Adopt a revised focus for the 2020/21 Cumberland Community Grants Program to provide small grants to support community organisations in their emergency response to local community needs as a result of COVID-19.
 4. Implement a process whereby, on an annual basis, at the commencement of each financial year, the focus for that year's grants program be nominated having regard to the highest priority community needs and that this be reported to Council each year for adoption (noting that for this year's program the grants focus on COVID-19 related support, as outlined in (3) above).

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

The motion moved by Councillor Sarkis seconded by Councillor Attie 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.

C09/20-552 IPART Domestic Waste Management Charges Submission

This item was dealt with earlier in the meeting.

C09/20-553 Investment Report - August 2020

This item was dealt with earlier in the meeting.

C09/20-554 Monthly Management Accounts July 2020

This item was dealt with earlier in the meeting.

C09/20-555 Planning Proposal - Fresh Hope Site, Dunmore Street, Pendle Hill

This item was dealt with earlier in the meeting.

Min.850 C09/20-556 Road Naming Proposal – Margaret Street, Merrylands**Resolved (Sarkis/Garrard)**

That Council proceed with the finalisation of the proposed road names of Bolger Close and Donaldson Close in Merrylands with the NSW Geographical Names Board.

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 Zreika left the Meeting at 9:27pm and returned to the Meeting at 9:31pm during the consideration of this item.

Min.851 C09/20-557 Council Submission on Planning Proposal for 1 Crescent Street, Holroyd**Resolved (Garrard/Cummings)**

That Council:

1. Endorse the draft submission to the Sydney Central City Regional Panel on the planning proposal for 1 Crescent Street, Holroyd, as provided in Attachment 1.
2. Delegate authority to the General Manager to finalise the draft submission, including any minor typographical or editorial changes.
3. Delegate authority to the General Manager to liaise with the proponent and government agencies on the next stages for the planning proposal, to ensure that the community's interests are represented as best as possible prior to further decisions on the proposal by the NSW Government.

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, Elmore, Cummings
Garrard, Huang, Lake, Rahme, Saha, Zaiter
and Zreika.

Councillor(s) Against the Motion: Hamed.

Councillors Attie and Sarkis left the Meeting at 9:31pm prior to the consideration of this item and returned to the Meeting at 9:33pm following the consideration of this item.

**C09/20-558 Response to Notice of Motion - Food Delivery Services
in the Cumberland LGA**

This item was dealt with earlier in the meeting.

**Min.852 C09/20-559 Cumberland Traffic Committee - Minutes of the
Electronic Meeting held on 5 August 2020**

Resolved (Campbell/Huang)


That:

1. The minutes of Part 1 Items of the Cumberland Traffic Committee electronic meeting of 5 August 2020, be received and noted; and
2. The minutes of Part 2 Items of the Cumberland Traffic Committee electronic meeting of 5 August 2020, be received and recommendations contained therein be approved subject to the following amendment:
CTC-20- 126 – That the matter be deferred subject to further consideration by the Cumberland Traffic Committee.

Councillor Rahme left the Meeting at 9:39pm during the consideration of this item.

Carried Unanimously

The Mayor, Councillor Christou closed the meeting at 9:40pm.

Chairperson  General Manager 