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## Minutes of the Council Meeting 2 June 2021

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**Present:**

Steve Christou (Mayor)	Councillor
Eddy Sarkis (Deputy Mayor)	Councillor (arrived 6:41pm)
Ned Attie	Councillor
George Campbell	Councillor
Greg Cummings	Councillor
Glenn Elmore	Councillor
Paul Garrard	Councillor
Ola Hamed	Councillor
Kun Huang	Councillor
Lisa Lake	Councillor
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
Olivia Shields	Senior Governance and Civic Events Officer
Monica Shenouda	Governance and Civic Events Officer

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

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**Min. 1164      Audio/Visual Attendance Request – Councillor Saha****Resolved (Attie/Zaiter)**

That the request of Councillor Saha to attend this Council meeting via audio/visual link be approved.

**Carried Unanimously**

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**Opening Prayer**

The opening prayer was read by Fr. Peter Blayney from Guildford Catholic Church.

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**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."*

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**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.

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**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.

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**Apologies/Leave of Absence**

Nil.

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

Councillor Zaiter declared a significant non-pecuniary interest in item C06/21-773 as a client from his firm owns a property within the Woodville Road Corridor. As such, he exited the Chamber during the consideration of this item.

Councillor Elmore also declared a significant non-pecuniary interest in item C06/21-773 as his residential property is within the immediate vicinity of some of the proposed changes outlined within the report. As such, he exited the Chamber during the consideration of this item.

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**Confirmation of Minutes**

**Min. 1165      C06/21-768 Minutes of the Ordinary Meeting of Council - 19 May 2021**

**Resolved (Attie/Cummings)**

That Council confirm the minutes of the Ordinary Meeting of Council held on 19 May 2021.

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**Min. 1166      MM06/21-61 – Mayoral Minute – Further Advocacy for Service NSW Centre in Cumberland City**

**Resolved (Christou)**

That Council:

1. Write to the Premier of NSW and Minister for Customer Service, seeking their commitment to deliver the previously announced Service NSW Centre in Cumberland City Council, including the proposed timeframe for delivery.
2. Write to Local State Members of Parliament, urging their strong support and advocacy on this important local issue; and
3. Instigate through the Acting General Manager a community petition, to be sent to the Premier of NSW once finalised, for the immediate delivery of a Service NSW Centre in Cumberland City Council as previously announced.

### **Motion of Dissent**

Councillor Campbell advised that in accordance with Clause 9.9 of the *Code of Meeting Practice* 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 then 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 unanimously.

Councillor Sarkis entered the Meeting at 6:41pm during the consideration of this item.

Councillor Campbell left the Meeting at 6:45pm and returned to the Meeting at 6:51pm during the consideration of this item.

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### **Min. 1167      MM06/21-62 – Mayoral Minute – Cumberland City Council's 5<sup>th</sup> Birthday Gala Dinner**

#### **Resolved (Christou)**

That Council:

1. Recognise the efforts of Council staff over the past 5 years since the proclamation of Cumberland City Council; and
2. Recognise and thank the staff involved in planning and delivering the Cumberland City Council 5<sup>th</sup> Birthday Gala Dinner.

**Motion of Dissent**

Councillor Hamed advised that in accordance with Clause 9.9 of the *Code of Meeting Practice* that the Mayoral Minute is not urgent and raised a point of order accordingly. The Mayor, Councillor Christou ruled against her point of order. Councillor Hamed then 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, Elmore, Garrard, Hamed, Huang, Lake, Rahme, Saha, Sarkis, Zaiter and Zreika.

Councillor(s) Against the Motion: Campbell.

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**Min. 1168      MM06/21-63 – Mayoral Minute – Sponsorship of the Western Sydney Wanderers****Resolved (Christou)**

That Council:

1. Endorse a sponsorship arrangement with the Western Sydney Wanderers Foundation to the value of \$10,000 from the Mayoral Community Fund for the 2021/2022 financial year to deliver clinics to school children within Cumberland; and
2. Review this sponsorship after one year with a report to be brought back to Council after 12 months to confirm the continuation or otherwise of the partnership.

Councillor Campbell advised that in accordance with Clause 9.9 of the *Code of Meeting Practice* that the Mayoral Minute is not urgent and raised a point of order accordingly. The Mayor, Councillor Christou ruled against his point of order.

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, Elmore, Garrard, Rahme, Sarkis, Zaiter and Zreika.

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

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**Min. 1169      Motion to Provide Delegation to the Mayor to Expel**

**Motion (Attie/Rahme)**

That in accordance with the *Local Government Act 1993, Section 10 (2)(b)*, that delegation be given to the Mayor to expel any persons be it a Councillor or Member of the Gallery if they do not comply with the conduct provisions as outlined within the *Code of Meeting Practice*.

**ADJOURNMENT**

**7:25pm**      The Mayor, Councillor Christou adjourned the Meeting for a short recess during the consideration of this item to enable legal advice to be provided.

**7:36pm**      The Mayor, Councillor Christou resumed the Meeting and the consideration of this item continued accordingly.

The Motion did not proceed, with the Acting General Manager to provide legal advice to to Council following the Council meeting in relation to this matter.

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**Public Forum:**

**Speakers on Items on the Council Meeting Agenda**

Speaker	Item #	Suburb
Ms Yildiz Yigiter	C06/21-773 Woodville Road Corridor - Proposed Planning Controls	Granville
Mr Ling Kit Chen	C06/21-773 Woodville Road Corridor - Proposed Planning Controls	Guildford
Ms Elizabeth Harris	C06/21-773 Woodville Road Corridor - Proposed Planning Controls	Granville

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**Min. 1170      Suspension of Standing Orders****Resolved (Sarkis/Attie)**

That in accordance with Clause 8.2 of the Code of Meeting Practice, Council suspend standing orders to allow Item C06/21-773 to be brought forward for consideration at this time of the Meeting.

**Carried Unanimously**

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**Min. 1171      C06/21-773 Woodville Road Corridor - Proposed Planning Controls**

**Note:** Councillors Elmore and Zaiter declared a significant non-pecuniary interest in this item and as such exited the Chamber at 7:55pm prior to the consideration of this item and returned to the Chamber at 8:03pm following the consideration of this item.

**Resolved (Hamed/Zreika)**

That Council:

1. Note the advice of the Cumberland Local Planning Panel on the draft Planning Proposal for the Woodville Road Corridor.
2. Endorse the proposed planning controls for the Woodville Road Corridor, as outlined in this report and provided at Attachments 1 to 4.
3. Endorse that the Planning Proposal for the Woodville Road Corridor be forwarded to the Department of Planning, Industry and Environment for a Gateway Determination.
4. Endorse that the draft Development Control Plan for the Woodville Road Corridor and draft amendments to the site-specific Development Control Plan for the Merrylands East Centre be publicly exhibited in accordance with statutory and policy requirements.
5. Endorse that the draft Public Domain Plan for the Woodville Road Corridor be publicly exhibited in accordance with policy requirements.
6. Note that the Planning Proposal for the Woodville Road Corridor will be publicly exhibited at the same time as the draft Development Control Plans and draft Public Domain 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, Hamed, Huang, Lake, Rahme, Saha, Sarkis and Zreika.
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Councillor(s) Against the Motion:	Nil.
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**Min. 1172      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.

**Carried Unanimously**

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**Min. 1173      Items by Exception****Resolved (Sarkis/Cummings)**

That Council adopt items C06/21-770, C06/21-771 and C06/21-775 on the Council Agenda in bulk as per the recommendations in the reports.

**Carried Unanimously**

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**Min. 1174      C06/21-770 Mayor and Councillor Remuneration 2021/22****Resolved (Sarkis/Cummings)**

That Council:

1. Set the annual Councillor Fee for the period 1 July 2021 to 30 June 2022 at \$31,020 in accordance with the provisions of section 248 of the *Local Government Act 1993*; and
2. Set the annual Mayoral Fee for the period 1 July 2021 to 30 June 2022 at \$90,370 in accordance with the provisions of section 249 of the *Local Government Act 1993*.

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**Min. 1175      C06/21-771 Update on Approved Mayoral Community Fund Applications****Resolved (Sarkis/Cummings)**

That Council receive the report.

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**Min. 1176      C06/21-775 Cumberland Community Wellbeing Report - Post-Exhibition Report****Resolved (Sarkis/Cummings)**

That Council:

1. Adopt the Cumberland Community Wellbeing Report, as provided in Attachment 1.

2. Endorse the approach to monitoring and reporting for community wellbeing as outlined in this report.

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**Min. 1177      C06/21-769 Community Grants Program 2020/2021****Resolved (Saha/Hamed)**

That Council:

1. Adopt the 17 applications recommended for funding in Attachment 1 and allocate \$48,031 from the Cumberland City Community Grants Program budget 2020/2021.
2. Advise all successful applicants of the funding allocations from the Community Grants Program 2020/2021 and provide feedback and support to applicants that were unsuccessful.
3. Withdraw funding allocations for projects recommended for funding in the Community Grants Program 2020/2021 if the organisation has not provided compulsory information to Council by 18 June 2021 and return unallocated funds to Council as budget savings.

**Carried Unanimously**

Councillor Sarkis left the Meeting at 8:03pm and returned to the Meeting at 8:05pm during the consideration of this item.

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**C06/21-770 Mayor and Councillor Remuneration 2021/22**

This item was dealt with earlier in the meeting.

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**C06/21-771 Update on Approved Mayoral Community Fund Applications**

This item was dealt with earlier in the meeting.

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**Min. 1178      C06/21-772 Adoption of Pensioner Rebate Policy****Resolved (Zaiter/Rahme)**

Due to the overwhelming support during public consultation, paired with the necessity to harmonise pensioner rebates in alignment with rates harmonisation, Council adopt the Pensioner Rebate Policy outlined in Attachment 1, with the following amendments/actions:



1. Amend the 'Voluntary Rebate' section as follows:

Replace Paragraph 2 with "The eligible pensioners who apply, own and occupy a dwelling to which they have resided within local government area for five (5) years continuous can receive an additional \$75 to a maximum total of \$100 rebate per financial year."

2. Amend the 'Requirements' section as follows:

Replace Paragraph 3 with "If eligibility ceases for the maximum voluntary rebate \$100, and then becomes an eligible pensioner again, the eligible pensioner must re-apply when they reach five (5) years continuous ownership and occupation in a dwelling to receive the maximum voluntary rebate under this policy."

3. Council write to the Minister of Local Government to encourage the State Government to Increase the Mandatory \$250 pensioner rebate by CPI as it has not increased for many years and to increase Council's Pensioner Grant from 55% to 100% similar to other states and territories as outlined on page 134 of IPART Report on Local Government Rating System.

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

Councillor(s) Against the Motion: Campbell.

Councillor Hamed left the Meeting at 8:11pm and returned to the Meeting at 8:19pm during the consideration of this item.

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### **C06/21-773 Woodville Road Corridor - Proposed Planning Controls**

This item was dealt with earlier in the meeting.

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### **C06/21-775 Cumberland Community Wellbeing Report - Post-Exhibition Report**

This item was dealt with earlier in the meeting.

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**Min. 1179      C06/21-776 Audit, Risk and Improvement Committee - Draft Minutes  
of Meeting Held on 10 May 2021****Resolved (Lake/Sarkis)**

That Council receive the Draft Minutes of the Audit, Risk and Improvement Committee meeting held on 10 May 2021.

**Carried Unanimously**

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**C06/21-777 Notice of Motion - Traffic Committee Meetings**

This Notice of Motion was withdrawn by the Mover, Councillor Saha.

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**Min. 1180      Closed Session**

At this stage of the meeting being 8:24pm, 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.*

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

*(iii) reveal a trade secret.*

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**Min. 1181      Open Session****Resolved (Attie/Sarkis)**

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

C06/21-774 106-128 Woodpark Road, Smithfield - Planning Proposal and Public Benefit Offer

C06/21-778 Notice of Motion - Productivity Improvements.

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**Min. 1182      C06/21-774   106-128 Woodpark Road, Smithfield - Planning Proposal and Public Benefit Offer**

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**Resolved (Garrard/Cummings)**

That Council:

1. Adopt the exhibited planning controls for 106-128 Woodpark Road, Smithfield, being:
  - a. 29 metre Height of Building control for the southern portion of the site
  - b. Additional permitted uses (neighbourhood shop and office premises) across the entire site.
2. Finalise the Planning Proposal, as delegated by the Minister, following execution of the Voluntary Planning Agreement and registration on title.
3. Note that this Local Environmental Plan amendment will be published in the Government Gazette upon finalisation.
4. Endorse in-principle the public benefit offer from the Proponent for 106-128 Woodpark Road, Smithfield, towards the provision of a pedestrian link between the development and Warren T-way stop.
5. Endorse and delegate authority for the Acting General Manager to prepare a draft Voluntary Planning Agreement for 106-128 Woodpark Road, Smithfield, in accordance with the public benefit offer, and to exhibit the draft Agreement for 28 days in accordance with statutory and policy requirements.
6. Endorse and delegate authority for the Acting General Manager to finalise the Voluntary Planning Agreement for 106-128 Woodpark Road, Smithfield, subject to no significant objections on the Agreement being received during exhibition.
7. Endorse and delegate authority for the Mayor and Acting General Manager to execute the Voluntary Planning Agreement on behalf of Council for 106-128 Woodpark Road, Smithfield, subject to no significant objections on the Agreement being received during exhibition.
8. Endorse that the potential of the site to serve as a local centre, including the provision of additional retail premises, is considered as part of Council's strategic planning work program for the T-way corridor.

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.
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Councillor(s) Against the Motion:	Nil.
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Councillor Attie and Councillor Sarkis left the Meeting at 8:34pm during the consideration of this item.

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**Min. 1183      C06/21-778 Notice of Motion - Productivity Improvements****Resolved (Garrard/Attie)**

That Council:

1. Note the existence of extenuating circumstances which mean a satisfactory result would not be achieved by inviting tenders, thereby exempting Council from usual tendering requirements pursuant to s.55(3)(i) of the *Local Government Act 1993*. The reasons for the extenuating circumstances arising are due to the proposal being a contingency based proposal.
2. Authorises and delegates the Mayor and Acting General Manager to prepare and execute a Contract for the maximum value of \$450,000 with LSI Consulting Pty Ltd (LSI) that gives effect to the LSI proposal previously reported to Council at the 5 May 2021 Ordinary 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, Saha, Zaiter and Zreika.

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

Councillor Attie and Councillor Sarkis returned to the Meeting at 8:35pm during the consideration of this item.

Councillor Campbell left the Meeting at 9:04pm and returned at 9:06pm during the consideration of this item.

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**Min. 1184      C06/21-779 Tender Evaluation Report - Microsoft Licensing Enterprise Agreement****Resolved (Cummings/Attie)**

That Council:

1. Accept the Tender Evaluation Panel's recommendation to award the contract to Data #3 Pty Ltd in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2005*, for \$1,438,920.00.
2. Delegate to the General Manager the authority to execute the contract and any associated documents.

**Carried Unanimously**

The Mayor, Councillor Christou closed the meeting at 9:14pm.

Chairperson



Acting General Manager

