
Minutes of the Council Meeting 21 July 2021

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 (via web conferencing)
Paul Garrard	Councillor
Ola Hamed	Councillor (via web conferencing)
Kun Huang	Councillor (via web conferencing)
Lisa Lake	Councillor (via web conferencing)
Joseph Rahme	Councillor
Suman Saha	Councillor (via web conferencing)
Michael Zaiter	Councillor
Peter Fitzgerald	Acting General Manager
Melissa Attia	Director Community & Organisation
Daniel Cavallo	Director Environment & Planning
Brendan Govers	Acting Director Works & Infrastructure
Richard Sheridan	Director Finance & Governance (via web conferencing)

Also Present:

Charlie Ayoub	Executive Manager Corporate Services
Colin McFadzean	General Counsel
Carol Karaki	Senior Coordinator Governance & Civic Events
Monica Shenouda	Governance & Civic Events Officer

The Mayor, Councillor Christou declared the meeting open at 6:34pm.

Opening Prayer

The opening prayer was read by the Mayor, Councillor Christou.

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.

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."

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.

Min.1225 Apologies/Leave of Absence**Resolved (Cummings/Attie)**

That an apology be tendered on behalf of Councillor Zreika.

Councillor Rahme left the Meeting at 6:38pm during the consideration of this item.

Declarations of Pecuniary & Non Pecuniary Conflicts of Interest

Councillors Attie and Sarkis declared a less than significant, non-pecuniary interest in Item C07/21-809 as they are both members of the Sydney Central City Planning Panel. As such, they exited the Chamber during the consideration of this item and the preceding Public Forum submission on this item.

Confirmation of Minutes**Min.1226 C07/21-805 Minutes of the Ordinary Meeting of Council - 7 July 2021****Resolved (Sarkis/Attie)**

That Council confirm the minutes of the Ordinary Meeting of Council held on 7 July 2021.

Carried Unanimously

Councillor Rahme returned to the Meeting at 6:39pm during the consideration of this item.

Min.1227 MM07/21-67 – Mayoral Minute - Improvement in Development Assessment Times at Cumberland City Council**Resolved (Christou)**

That Council congratulate the Director Environment and Planning and all staff involved in achieving a significant reduction in Development Application median processing times.

Min.1228 MM07/21-68 – Mayoral Minute - Update on 1 The Holroyd Crescent, Holroyd Development Proposal

Note: Councillors Attie and Sarkis exited the Chamber at 6:44pm prior to the consideration of this item and returned to the Chamber at 6:52pm following the consideration of this item.

Resolved (Christou)

That Council write to the Chairperson of the Sydney Central Sydney Planning Panel, requesting that a public meeting be held for the community with respect to the proposal for 1 Crescent Street, Holroyd, prior to a final decision being made by the Panel at the end of September 2021.

Carried Unanimously

Min.1229 MM07/21-69 – Mayoral Minute - Update on Advocacy for Improved Express Train Services

Resolved (Christou)

That Council:

1. Write to the NSW Premier, and Minister of Transport and Roads, strongly urging them to reconsider their determination with regard to the reinstatement of express train services in the Cumberland City Council area.
2. Write to local State Members of Parliament, urging them to strongly advocate to the State Government to reconsider their determination with regard to the reinstatement of express train services in the Cumberland City Council area.

Carried Unanimously

Min.1230 MM07/21-70 – Mayoral Minute - New Infrastructure Contributions Bill

Resolved (Christou)

That Council write to the Local State Members and NSW Minister of Planning and Public Spaces, seeking that the NSW Government consult further with Councils including Cumberland City Council on this Bill and provide Council the opportunity to make a submission to the Upper House enquiry, and to consider further this reform after a considered consultation process has been undertaken.

Carried Unanimously

Min.1231 MM07/21-71 - Mayoral Minute - Advocacy for Reinstatement of Financial Relief - Council Operated Early Childhood Education & Care Facilities

Resolved (Christou)

That Council:

1. Write to the Premier of NSW, seeking immediate reinstatement of a financial relief package for local Council's operating Early Childhood Education and Care Facilities; and

2. Write to local State and Federal Members of Parliament seeking urgent advocacy support on this key issue.

Carried Unanimously

Public Forum

The Mayor, Councillor Christou advised the Chamber that two written submissions were received tonight for Public Forum. The Mayor, Councillor Christou proceeded to read out the submissions as follows:

Item C07/21-809 Planning Proposal - 233, 249-259 Merrylands Road and 52-54 McFarlane Street, Merrylands from Mr Johnathon Wood

Note: Councillors Attie and Sarkis exited the Chamber at 7:36pm prior to the submission being read out and returned to the Chamber at 7:39pm at the conclusion of the submission being read out.

Coronation Property have commenced construction and are committed to delivering a landmark development, that everyone can be proud of, at the heart of Merrylands Town Centre.

Coronation is generally supportive of the report and recommendation before the Council.

We raise only one matter for the Councillors consideration. It is the proposal to reduce the height in Recommendations 1(a)(i) and (ii).

You will see on Table 3 on page 67 of the Council report that the Officers recommend taking 7m off Building D and taking 9m off Building E.

The Council staff argue for the reduction on the basis of overshadowing to properties to the south of Merrylands Road and the transition of building heights within the town centre. And so the report recommends to take away the 10% bonus potential.

Coronation disagrees with the approach as we have carefully considered these impacts and want to stress to the Councillors the following urban design benefits

- *The 10% bonus is a bonus for Design Excellence - which the proposal must demonstrate and it is not 'as of right'. So the time to decide whether to give or take away the design bonus is not now;*
- *The height limit proposed is a maximum, that will be tested through the DA process;*
- *The proposal intentionally provides a height transition from the north side of Merrylands Road to the southern side. Please note in the massing diagrams before you:*

- *Pink is the existing approved height,*
- *Green is the proposed additional height, and*
- *Yellow is the 10% design excellence bonus.*
- *Importantly the additional overshadowing is insignificant and has no unreasonably impact.*

Our two final points are critical –

1. *Coronation does not have an “all or nothing” position. If the Councillors do not accept our submission that there is no need to reduce the height by 7m and 9m, then we have no choice but to accept the recommendation before you, as our “fall-back position”.*
2. *Some comments from the Local Planning Panel has triggered us preparing a further Strategic Merit Test, which is attachment 4 in your Business Papers. We have no doubt that Merrylands Town Centre is regionally important; deserves significant investment; and plays a critical part in the network of centres in the Sydney region.*

In conclusion:

- *We seek Councillor’s endorsement of the Planning Proposal.*
- *We seek Councillor’s adoption of the proposed heights in the Planning Proposal and that recommendations 1(a)(i) and (ii) be altered to state 71m (21 storeys) and 93m (28 storeys) respectively.*

Coronation looks forward to contributing to the success of Merrylands town centre through its place making proposal that will enliven streets, provide employment, and deliver housing.

Item C07/21-813 Outcome of Education and Care Services Tender Review from Mrs Maha [REDACTED]

This letter represents the position of many parents from the Greystanes and Merrylands region and I sincerely ask that you do all that is needed to prevent the privatisation of our incredible day care centres.

By way of background, I am a mother, a wife, a resident/property owner within Cumberland council region and an [REDACTED].

Considering parents often wait for months, sometimes over a year for a vacancy at a council run day care centre it is very difficult to understand why Council is not doing all that they can to keep these highly sought after facilities. The demand and wait times occur despite there being many vacancies at existing and new private centres around.

Prior to returning to work, I visited about 10 centres, both council and privately owned. And whilst I understand there may be good privately-owned centres, I definitely opted for Council run. Council run centres are greatly sought after because they are known for their high standards in caring for children. They operate on a child-focused model and as you are aware continually exceed benchmarks on most criteria – while the private sector is yet to meet those standards.

My daughter had sleeping problems as a baby and I was told by the private centres they would not put the additional effort needed for her to sleep. The council run centres said they were happy to follow my daughter's routine and would do what was reasonably necessary to achieve this. They care for each child and their specific needs. You can only imagine how grateful parents are knowing this.

As a mother, I am not interested in a centre's flashy and loud new toys, new building or large plasma television – I am concerned about who is going to look after my baby's physical and emotional needs while I am at work. Who is going to look after my baby's wellbeing while I cannot. I do not have family that can care for my daughter, so it was important I found a centre that would be my daughter's second home. And after months of looking and researching, I have found that at Banksia Babes in Merrylands.

I have seen such positive growth in my daughter since attending Banksia Babes. Not only does she have close relationships with the educators, I am confident that my daughter feels safe, secure, supported and cared for at the centre. I know my daughter is learning the necessary skills to become an independent, confident and resilient child.

The standard and effort put by the educators in order to make the day so wonderful for our children should also be recognised. I recall when I visited the various day care centres in the region, what was noticeably different between the council run day care centres and the privately owned ones is the type of activities utilised to occupy the children. At two (privately run) centres I visited I was told that they allow children to have up to two hours of screen time each day, while also incorporating other forms of indoor and outdoor activities. This was a huge shock and disappointment to me, as I expected day care centres to be on par with current research. It has been determined by various medical experts that children under the age of two should have no or very minimal amounts of screen time.

Banksia Babes integrates fantastic fun and educational opportunities for their children. My daughter enjoys group time where they sing and dance to nursery rhymes, activities which utilise fine motor skills including painting, play dough, other forms of craft, sand and water activities, amongst many many others. Banksia Babes is also exceptionally good at exposing children to different cultures and understanding. By having days to celebrate Naidoc Week, Chinese New Year, Christmas and Easter just to name a few. These are the building blocks in learning about their environment and Australian society.

Another striking difference between the privately run and council operated centres is the quality of the food. Banksia Babes provides fresh, nutritious food on a daily basis, which includes hot meals for lunch. The menus are well thought of by the chef and include the necessary vitamins and minerals active, growing bodies need. I have seen heavily sugar loaded breakfasts, frozen foods and nutrient poor items on the menu at other private centres more than likely just to cut costs and increase revenue for the owner.

There are workers that have been at Banksia Babes and other centres for over 20 years - in the event they are privatised, our community, our children would lose the incredibly experienced, hardworking and loyal employees.

These wonderful day care centres are fundamental in any local community as they are caring for our children at their most vulnerable age. By outsourcing these centres, we are destroying that sense of community, that sense of belonging many parents and children need.

I plead with you not to outsource these centres, especially Banksia Babes. Keep them, their wonderful hard-working staff and be proud of all that they have achieved and do for our community.

If you have any questions or concerns in relation to the above, please feel free to contact me. I will be more than willing to discuss over the phone or in person as needed.

Min.1232 Items by Exception**Resolved (Sarkis/Cummings)**

That Council adopt items C07/21-806, C07/21-807, C07/21-812, C07/21-814 and C07/21-817 on the Council Agenda in bulk as per the recommendations in the reports.

Min.1233 C07/21-806 Monthly Management Accounts - May 2021**Resolved (Sarkis/Cummings)**

That Council receive the report.

Min.1234 C07/21-807 Investment Report - June 2021**Resolved (Sarkis/Cummings)**

That Council receive the 30 June 2021 Investment Report.

Min.1235 C07/21-812 Cumberland Traffic Committee - Minutes of Electronic Meetings held in June 2021**Resolved (Sarkis/Cummings)**

That:

1. The minutes of Part 1 Items of the Cumberland Traffic Committee electronic meetings of 2 and 16 June 2021, be received and noted; and
2. The minutes of Part 2 Items of the Cumberland Traffic Committee electronic meetings of 2 and 16 June 2021, be received and recommendations contained therein be approved.

Min.1236 C07/21-814 Security Services Tender Outcome**Resolved (Sarkis/Cummings)**

That Council:

1. Accept the Tender Evaluation Panel's recommendation to award the contract to Ultimate Security Australia Pty Ltd (ABN 72 168 832 013) in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2005*, for \$1,102,803.22 annually for a contract period of 3 years plus two 1 year options.
2. Delegate to the General Manager the authority to execute the contract and any associated documents.

Min.1237 C07/21-817 Outcome of Expression of Interest for Merrylands Civic Square**Resolved (Sarkis/Cummings)**

That Council:

1. Accept the Evaluation Panel's recommendation to proceed to a Selective Tender process for Merrylands Civic Square as outlined in the Expression of Interest; and
2. Invite the following companies to Tender in accordance with Section 55(4) of the Act and Clauses 168 and 169 of the *Local Government (General) Regulation 2005*:
 - a) Gartner Rose Pty Ltd
 - b) CA&I Pty Ltd
 - c) Ford Civil Contracting Pty Ltd
 - d) Paynter Dixon Constructions Pty Ltd
 - e) Stephen Edwards Constructions

Min.1238 C07/21-808 Report on Variations for Development Standards Approved under Delegation - April to June 2021 Quarter**Resolved (Attie/Garrard)**

That Council receive and note this report.

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, Rahme, Saha, Sarkis and Zaiter.
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Councillor(s) Against the Motion: Nil.

Min.1239 C07/21-809 Planning Proposal - 233, 249-259 Merrylands Road and 52-54 McFarlane Street, Merrylands

Note: Councillors Attie and Sarkis exited the Chamber at 7:53pm prior to the consideration of this item and returned to the Chamber at 7:54pm following the consideration of this item.

Resolved (Cummings/Garrard)

That Council:

1. Endorse a planning proposal for 233, 249-259 Merrylands Road and 52-54 McFarlane Street, Merrylands, that seeks to amend the *Holroyd Local Environmental Plan 2013*, to:
 - a. Increase Height of Buildings (HOB) controls for:
 - i. Building D from 55m (16 storeys) to 64m (19 storeys)
 - ii. Building E from 77m (23 storeys) to 84m (25 storeys)
 - iii. Building A from 55m (16 storeys) to 77m (23 storeys).
 - b. Increase the Floor Space Ratio control for Buildings D and E from 5.5:1 to 7.5:1.
2. Endorse that the planning proposal for 233, 249-259 Merrylands Road and 52-54 McFarlane Street, Merrylands, be forwarded to the Department of Planning, Industry and Environment for a Gateway Determination.
3. Prepare a Voluntary Planning Agreement to derive public benefit, should a Gateway Determination be received.

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, Huang, Lake, Rahme, Saha and Zaiter.

Councillor(s) Against the Motion: Hamed.

Min.1240 C07/21-810 Proposed New Eric Tweeddale Stadium Fees and Charges

Resolved (Cummings/Sarkis)

That Council:

1. Place the new Fees and Charges on public exhibition for 28 days and report back to Council on the outcomes.
2. Receive a report at the next Council meeting with regard to analysis on the financial impact of fees charged under Councils adopted Fees and Charges with consideration to Covid-19 restrictions on sporting clubs. The report is to also consider options to provide fee relief to sporting groups commensurate with the impact of the NSW Public Health Order restrictions.

Carried Unanimously

Min.1241 C07/21-811 Quarterly Progress Report on Council Consultative and Advisory Committees

Note: The Mayor, Councillor Christou vacated the Chair at 8:04pm in order to participate in the debate. The Deputy Mayor, Councillor Sarkis assumed the Chair accordingly. The Mayor, Councillor Christou assumed the Chair at 8:13pm following the conclusion of this item.

Resolved (Elmore/Hamed)

That Council receive the Draft Minutes of the Consultative and Advisory Committee meetings held as listed in the report and included under Attachments 1 to 6 of this report.

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, Huang, Rahme, Saha, Sarkis and Zaiter.

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

C07/21-812 Cumberland Traffic Committee - Minutes of Electronic Meetings held in June 2021

This item was dealt with earlier in the meeting.

Min.1242 Closed Session

Resolved (Sarkis/Cummings)

At this stage of the meeting being 8:13pm, 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:

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- (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.
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Min.1243 Open Session**Resolved (Attie/Cummings)**

Council returned to Open Session at 9:05pm to resolve the below Confidential Items:

C07/21-813 Outcome of Education and Care Services Tender Review

C07/21-815 Tender Evaluation Report - Granville Pool Amenities Upgrade

C07/21-816 Outcome of Expressions of Interest Process - Proposed New Council Administration Building

Min.1244 C07/21-813 Outcome of Education and Care Services Tender Review**Resolved (Sarkis/Zaiter)**

That Council:

1. Decline all tenders in accordance with Clause 178(1)(b) and 178(3)(f) of the *Local Government (General) Regulation 2005*, as Council proposes to carry out the requirements of the proposed contract itself;
2. Adopt the recommendations of the Working Group Proposal; and
3. Delegate authority to the Acting General Manager to implement the actions of the Working Group Proposal.

Carried Unanimously

C07/21-814 Security Services Tender Outcome

This item was dealt with earlier in the meeting.

Min.1245 C07/21-815 Tender Evaluation Report - Granville Pool Amenities Upgrade**Resolved (Rahme/Zaiter)**

That Council:

1. Decline all tenders received in accordance with Clause 178(3)(b) of the *Local Government (General) Regulation 2005*.

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2. Call fresh tenders for the proposed contract in accordance with Clause 167 of the *Local Government (General) Regulation 2005*.

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.

Min.1246 C07/21-816 Outcome of Expressions of Interest Process - Proposed New Council Administration Building

Resolved (Attie/Garrard)

That Council:

1. Accept the Evaluation Panel's recommendation to proceed to a Selective Tender process for New Cumberland City Council Administration Building as outlined in the Expression of Interest, and invite to Tender in accordance with Section 55(4) of the Act and Clauses 168 and 169 of the *Local Government (General) Regulation 2005*):
 - Coronation Property Co Pty Ltd (ABN 46 163 703 839);
 - Built Development Group Pty Ltd (ABN 57 600 541 231);
 - Urban Apartments Pty Ltd (ABN 49 096 925 423);
 - Winworth Management Pty Ltd (ABN 89 609 052 557);
 - Dexs Funds Management Limited (ABN 24 060 920 783); and
 - Ellipse Property Group Pty Ltd (ABN 43 637 675 364).
2. Receive a report following the finalisation of the selective tender process for determination.

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, Hamed, Rahme, Sarkis and Zaiter.

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

C07/21-817 Outcome of Expression of Interest for Merrylands Civic Square

This item was dealt with earlier in the meeting.

Min.1247 Matter of Urgency – Councillor Attie**Resolved (Sarkis/Cummings)**

That in accordance with Clause 3.27 of the adopted Code of Meeting Practice, the Matter of Urgency of Councillor Attie in relation to the 2021 Local Government Election be heard by Council.

Min.1248 Matter of Urgency – 2021 Local Government Election**Motion (Attie/Zaiter)**

That in light of the increasing COVID19 cases, that Council write to the NSW Premier, Minister of Local Government and every Council in NSW requesting that the 2021 Local Government Election be deferred until a point in time where it is safe for the Election to be held.

Amendment (Campbell/Lake)

That in light of the increasing COVID19 cases, that Council write to the NSW Premier, Minister of Local Government and every Council in NSW requesting that the 2021 Local Government Election be conducted by means of postal voting.

The Amendment moved by Councillor Campbell seconded by Councillor Lake 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 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, Cummings, Elmore, Hamed, Huang, Lake, Rahme, Saha, Sarkis and Zaiter.

Councillor(s) Against the Motion: Campbell, Christou and Garrard.

The Mayor, Councillor Christou closed the meeting at 9:35pm.

Chairperson  Acting General Manager 