

**Minutes of the Extraordinary Council of Cumberland held at Granville Town Hall, 10 Carlton Street, Granville on Thursday, 19 May 2016.**

**PRESENT:**

The Administrator, Viv May PSM

**IN ATTENDANCE:**

Merv Ismay, Tim Butler, Monica Cologna, Adan Davis, Michelle Dowling, Brooke Endycott, Patricia Krzeminski, Hamish McNulty, Aleks Milinkovic, Greg Raft, Richard Sheridan, Warren Taylor, Michael Wearne and Shane Wells.

63 residents were in attendance in the Public Gallery and were welcomed to the meeting by the Administrator, Mr. May acknowledging the historical significance of the first meeting of the Council.

Min. 001 The meeting here opened at 5:00 p.m.

Min. 002 **OPENING PRAYER:** The opening prayer was here read by the Rev. Brian Rensford from the Holroyd New Life Church.

Min. 003 **ADMINISTRATOR'S MINUTES:** The Administrator raised an Administrator Minute in relation to the formation of the new Cumberland Council.

A Minute was read by the Administrator as follows:

*“Cumberland Council was proclaimed in the NSW Government Gazette on 12 May, 2016.*

*It is fitting that we meet this evening in the historic Granville Town Hall.*

*This beautiful heritage listed building was erected in 1889 to act as the home of the Granville Borough Council, itself created in 1885.*

*So much history has passed through this building and this area.*

*As a publication celebrating the Centenary of Granville noted, “...Granville is of particular historical significance because the country about Granville was explored before Parramatta, in 1788...”*

*Tonight we will add to that history as we hold the first meeting of the Cumberland Council.*

*Granville, and indeed the rest of the former Woodville Ward of the City of Parramatta, now unites our new Council area; with the former Holroyd Council area to the west and the former Auburn Council area to the east. These two areas are also rich in history.*

*The Holroyd Municipality came into being in 1927, by way of name change from the original Municipality of Prospect and Sherwood formed in 1872.*

*The Auburn Local Government Area was formed in 1948, when Auburn and Lidcombe Councils merged into Auburn Municipal Council.*

*It is appropriate that Cumberland Council acknowledge the passing into history of Holroyd City Council and Auburn City Council and the substantial contribution that both elected officials and staff have made over many years.*

*These two proud Local Government Areas have served their residents for many decades, providing services and helping to create a sense of community. Now their legacy of achievement passes to the new Cumberland Council.*

*We also warmly welcome the residents of the former Woodville Ward of the City of Parramatta into our Council and acknowledge the civic contribution over many years of elected officials and staff. Now is the time to build on this stable foundation and we look forward with enthusiasm to a prosperous future for Cumberland Council and its many communities.*

*The creation of the Cumberland Council provides us with a unique opportunity for a fresh start and we embrace the challenge of building with the collective spirit, history and endeavour of all the people from all the communities within its boundaries.*

*I have and will be making some tough decisions. It is acknowledged that there are some in the community who are aggrieved by the decision of the Government to merge Councils across the State. But let's all commit to move forward in a spirit of cooperation.*

*Be assured that I will do my best to independently serve in an open and transparent way ensuring that all voices are heard.*

*Accordingly, I formally move:*

*That Council recognise the legacy of the former Local Government Areas of Holroyd City, Auburn City and the Woodville Ward of the City of Parramatta, and welcome all their residents to the Cumberland Council."*

Declared Carried.

Min. 004 PUBLIC FORUM: The following public forum questions were raised by Mr Mark Pigram:

- "1. Conducting a financial and planning review of the former Holroyd Council's project for the Merrylands Town Centre noting its significant financial cost and burden to the Council of Cumberland and residents of Merrylands and withdrawing the planning proposal submitted to the Department of Planning noting in planning terms the proposal does not reflect the NSW Governments "A Growing Sydney" vision for Merrylands and that Council place the item for the last meeting of Council before it was sacked.*
- 2. Reviewing the Planning Proposal for the Bonds Site at Pendle Hill and withdrawing from the Department of Planning the planning proposal while he undertakes the review, noting the significant community disquiet about the project, the political*

*machinations occurring behind the scenes to move the project forward and that Holroyd Council pulled on the item for the last meeting of Council before it was sacked.*

3. *Reviewing former Holroyd Council's political and administrative unwillingness to review the planning controls in Westmead, regardless of its priority precinct status under the NSW Governments "A Growing Sydney" vision and that the residents have had to go to the Department of Planning Secretary and for her to commence what Holroyd Council would not.*
4. *Undertaking the investigation of the Code of Conduct complaint in relation to the former Mayor of Holroyd, noting the potential that he may be placed on a Cumberland Council Advisory Committee.*
5. *Reviewing the operations of the Holroyd Centre noting that in spite of former Holroyd Council's continual capital funding into the Centre, that the Centre has been unable to sustain a commercial profit from its operations for at least the last 25 years.*
6. *Having Council have as high priority the development of a Strategic Development Plan for the Council to be fed into a new LEP, and being one which has a vision, a view, a focus on where our community wants our community, or society, our local area to develop towards, rather than currently where developers come knocking at the door with proposals for areas not suitable for their plans and all they get asked is how high and how dense."*

The Administrator invited Mr. Pigram to arrange a meeting to discuss the points raised.

Min. 005    DECLARATIONS OF INTEREST:

There were no declarations of interest.

Min. 006    ITEM 001/16 – NOTATION OF MINUTES OF FORMER AUBURN, HOLROYD AND PARRAMATTA COUNCILS

Moved and declared carried by the Administrator that:

- i) The minutes of the previous Ordinary Meeting of the former Auburn City Council held on 20 April 2016, be noted.
- ii) The minutes of the previous Ordinary Meeting of the former Parramatta City Council held on 9 May 2016, namely Minute No's.: 16633 and 16649, be noted.
- iii) The minutes of the previous Ordinary Meeting of the former Holroyd City Council held on 3 May 2016 and Extraordinary Meeting of Council held on 10 May 2016, be noted.

Min. 007    ITEM 002/16 – CUMBERLAND CODE OF MEETING PRACTICE AND COUNCIL MEETING SCHEDULE

Note: Mr. David Williams and Ms. Cheryl Lloyd addressed the meeting on this item.

Moved and declared carried by the Administrator that:

- i) Council amend the Cumberland Council Code of Meeting Practice to alter its Ordinary Council Meeting schedule to hold meetings on the first Wednesday of each month, commencing at 6:00 pm, the venue to be rotated between the following locations:
  - Auburn Civic Centre  
1 Susan Street  
Auburn
  - Granville Town Hall  
10 Carlton Street  
Granville
  - Merrylands Administration Building  
16 Memorial Avenue  
Merrylands.
- ii) Council amend the Cumberland Council Code of Meeting Practice to alter the Order of Business as outlined in the report, including the Welcome to Country.

Min. 008    ITEM 003/16 – NOMINATIONS TO COMMITTEES

Moved and declared carried by the Administrator that:

- i) Council endorse the continuation of the following Committees for the purpose of providing an advisory / community role to Council:
  - Holroyd Liquor Accord Committee
  - Metro Pool / United Independent Pools
  - Western Sydney Academy of Sport
  - Various S355 Committees (25)
  - Yennora Distribution Park Community Consultative
  - Aboriginal & Torres Strait Islander Consultative Committee
  - Access Committee
  - Aged and Disability Services Advisory Committee
  - Arts Advisory Committee
  - Australia Day / CityFest Committee
  - Holroyd Family Festival Community Event Committee
  - Companion Animal Advisory Committee
  - Culturally and Linguistically Diverse Consultative Committee
  - Floodplain Management Committee
  - Heritage Committee

- Holroyd Community Safety Committee
  - Holroyd Traffic Committee
  - Library Committee
  - Road Safety Steering Committee
  - Scholarship Committee
  - Youth Services Advisory Committee
  - Floodplain Management Association
  - Western Sydney Regional Organisation of Councils (WSROC)
  - Auburn Floodplain and Haslam Creek Risk Management Committee
  - Sisters Cities Committee
  - Auburn Community Access Committee
  - Heritage Committee
  - Auburn Diversity Services Inc
  - Parramatta River Catchment Group
  - NSW Metropolitan Public Libraries Association.
- ii) The Administrator of Cumberland Council (or his nominee) be appointed as delegate on all Committees of Cumberland Council.
- iii) A review of all Committees be conducted and a report be provided for Council's consideration.
- iv) The Interim General Manager report to the next meeting on the formation of the Cumberland Council Internal Audit Committee utilising at a minimum the guidelines issued by the Office of Local Government.

Min. 009      ITEM 004/16 – PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR THE ADMINISTRATOR POLICY

Moved and declared carried by the Administrator that until a revised policy is approved for public consultation, necessary expenses and facilities for the Administrator be recognised under the former Policy of Holroyd City Council.

Min. 010      ITEM 005/16 – DELEGATION OF AUTHORITY

Moved and declared carried by the Administrator that Council record that delegations operated by the former Holroyd, Auburn and part of Parramatta Councils have been included in the Proclamation as a delegation by Cumberland Council subject to amendment when structural changes are determined.

Min. 011      ITEM 006/16 – CUMBERLAND COUNCIL INTERIM EXECUTIVE TEAM STRUCTURE

The Administrator made the following announcement:

*“Mr. Ismay advised me this afternoon that he intends to retire from the position of Interim General Manager at a time convenient to the transition.*

*I believe this is an acknowledgement of the professional that Merv is – always putting the organisation first.*

*I will be presenting a Minute to an appropriate meeting of the Council to acknowledge his substantial contribution over many years to the Holroyd community.*

*This means that I will need to alter the recommendation on the Business Paper in relation to the Cumberland Council Interim Executive Team Structure. If the General Manager is to be held responsible for his / her performance to be determined on the delivery of the transition, they must be involved in determining the structure.*

*Accordingly, I move that the proposed Executive Structure comprise two Directorates and that the organisation structure be determined in consultation with the incoming General Manager.”*

Moved and declared carried by the Administrator that the proposed Executive Structure comprise of two Directorates and that the organisation structure be determined in consultation with the incoming General Manager.

The Administrator invited Mr. Ismay to respond. Mr. Ismay responded as follows:

*“Thank you.*

*It has been a great privilege to serve the former Holroyd community for over 20 years.*

*I wish all concerned in the new Cumberland Council the very best for the future.”*

Min. 012      ITEM 007/16 – MEDIA RELATIONS PROTOCOL

Moved and declared carried by the Administrator that Council adopt the Cumberland Council Media Relations Policy as outlined in the report.

Min. 013      ITEM 008/16 – CUMBERLAND COUNCIL INDEPENDENT HEARING AND ASSESSMENT PANEL

Moved and declared carried by the Administrator that:

- i) The Cumberland Council Independent Hearing and Assessment Panel (CIHAP) be created to determine development/planning matters as adopted by the existing Auburn Independent Assessment Panel (AIAP) model (except as modified by the amended delegations in point iv) below).
- ii) The existing panel members appointed to the AIAP be reappointed to CIHAP and that additional community representatives for the new panel be called and appointed.
- iii) The Holroyd IHAP be dissolved and members advised accordingly.

- iv) For the purpose of determining which development application matters would have ordinarily be referred to a Council for decision, noting that the three former Councils had differing delegations, a new set of delegations for determining development applications under delegated authority for Cumberland Council shall be as under:

***Applications to be Determined under Delegated Authority***

Authority to determine Development Applications in accordance with the Environmental Planning and Assessment Act 1979 and council's policies, except as follows:

1. Applications subject to unresolved<sup>2</sup> objections;
2. Major development on Council's property;
3. Where the applicant or owner is a Councillor or member of staff;
4. Where the General Manager has requested, or Administrator has requested in writing or a Council resolution requires that the application be referred to Council or appropriate Committee of Council;
5. Where the application involves a variation to a development standard contained within the Local Environmental Plans and where there is a significant impact associated with the proposed variation as determined by Manager Development Assessment / Services and / or Director Environmental Planning Services / Executive Manager Planning;
6. Where the applicant has proposed to enter into a Voluntary Planning Agreement in conjunction with the development application;
7. Any application which the Administrator, General Manager, Deputy General Manager or Director Environmental Planning Services / Executive Manager Planning considers should be brought before the Council.

*Note 1: Council's Development Control Plans are to be applied in a manner consistent with that prescribed under Section 79C (3A) of the Environmental Planning and Assessment Act 1979.*

*Note 2: Unresolved objection is an objection that is considered by Manager Development Assessment / Services and Director Environmental Planning Services / Executive Manager Planning or their delegate to have planning merit, relevance, substance, reasonableness and validity and which has not been or cannot be addressed by the imposition of condition of consent.*

- v) Council update the existing code of conduct and guidelines for the AIAP model to reflect the new entity.

Min. 014 ITEM 009/16 – CUMBERLAND COUNCIL JOINT REGIONAL PLANNING PANEL

Note: Mr. Mark Pigram addressed the meeting on this item.

Moved and declared carried by the Administrator that:

- i) Council appoint Paul Stein, AM, QC, Julie Walsh, Brian McDonald, and Gary Sheils to the JRPP and the JRPP Secretariat be appropriately notified.

- ii) The Interim General Manager be delegated the authority to select the panel members, preferable in rotation.

Min. 015 ITEM 010/16 – AUDITOR FOR CUMBERLAND COUNCIL – APPOINTMENT

Moved and declared carried by the Administrator that:

- i) PricewaterhouseCoopers be appointed as Council's auditor commencing 12 May 2016, subject to their acceptance and agreement to the negotiated terms and conditions of the appointment.
- ii) The Interim General Manager be authorised to negotiate the terms and conditions for the appointment of PricewaterhouseCoopers and sign the relevant Appointment Agreement.

Min. 016 ITEM 011/16 – INVESTMENT REPORT (FOR FORMER HOLROYD CITY COUNCIL)

Moved and declared carried by the Administrator that the report be received.

Min. 017 ITEM 012/16 – INVESTMENT PORTFOLIO PERFORMANCE (FOR FORMER AUBURN CITY COUNCIL)

Moved and declared carried by the Administrator that the report be received.

Min. 018 ITEM 013/16 – SECTION 94 PAYMENTS – TIMING

Moved and declared carried by the Administrator that:

- i) The Administrator receive and note this report.
- ii) All Section 94 fees shall be payable prior to issue of the Construction Certificate forthwith, with payment indexed from the time of development consent.
- iii) The Auburn Development Contributions Plan 2007 and any supporting policy documentation be amended to reflect this.
- iv) The draft amendment to the Auburn Development Contributions Plan 2007 be publicly exhibited for 28 days, and the outcomes of this exhibition be reported to Council following its completion.



Min. 019     ITEM 014/16 – FORMER AUBURN CITY COUNCIL CDO – COVENANT FOR SETTLEMENT

Moved and declared carried by the Administrator that Council delegate authority to the Interim General Manager and the Administrator to jointly execute the Deed of Covenant on behalf of Cumberland Council (formerly Auburn City Council).

Min. 020     ITEM 015/16 – ANZAC DAY COMMEMORATION EVENTS – WAIVER OF HIRE FEE

Moved and declared carried by the Administrator that:

- i)   The hire fees of \$590.00 for the use of Lidcombe Remembrance Park on Sunday, April 17, 2016 and Monday, April 25, 2016 by the Lidcombe RSL Sub-Branch, be waived.
- ii)   The hire fees of \$3154.16 for the use of the Auburn Town Hall, Sommerville Room and Railway Memorial Park on Monday, April 25, 2016 by the Auburn RSL Sub-Branch, be waived.

Min. 021     ITEM 016/16 – EID-AL-FITR EVENTS IN 2016 – WAIVER OF HIRE FEE AND SPONSORSHIP

Moved and declared carried by the Administrator that:

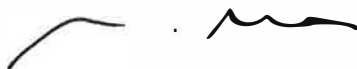
- i)   Council waive the hire fees of \$3,201.60 for the use of Wyatt Park by the Auburn Islamic Community Centre for the Eid-al-Fitr Event on 5, 6 and 7 July 2016.
- ii)   Council waive the hire fees of \$4,201.60 for the use of Progress Park by the Auburn Sports Club for the Eid-al-Fitr Festival on 7, 8, 9 and 10 July 2016.
- iii)   Council decline the request for sponsorship of the Chand Raat Eid Festival to be held at Rosehill Gardens on 6 July 2016.

Min. 022     ITEM 017/16 – BERALA VILLAGE PUBLIC DOMAIN PROJECT

Moved and declared carried by the Administrator that the report be received.

Min. 023     The meeting terminated at 5:55 p.m.

Signed:



Administrator