
Minutes of the Council Meeting 6 December 2023

PRESENT

Councillors

Lisa Lake (Mayor)	Councillor
Ola Hamed (Deputy Mayor)	Councillor
Steve Christou	Councillor
Diane Colman	Councillor
Greg Cummings	Councillor
Glenn Elmore	Councillor
Sabrin Farooqui	Councillor
Paul Garrard	Councillor (arrived 6:34pm)
Kun Huang	Councillor (via Audio-Visual Link joined 6:36pm)
Helen Hughes	Councillor
Mohamad Hussein	Councillor (arrived 6:59pm)
Joseph Rahme	Councillor (arrived 6:37pm)
Suman Saha	Councillor
Eddy Sarkis	Councillor
Michael Zaiter	Councillor

Officers

Peter Fitzgerald	General Manager
Melissa Attia	Director Corporate Performance (Deputy General Manager)
Daniel Cavallo	Director Environment & Planning
Brendan Govers	Director City Services
Nicole Byrn	Director Community & Culture
Charlie Ayoub	Director Governance & Risk
Colin McFadzean	General Counsel
Carol Karaki	Manager Governance
Bianca Mourched	Coordinator Governance

The Mayor, Councillor Lake declared the meeting open at 6:31pm.

Opening Prayer

The opening prayer was read by Mr Mohammed Al-Zoubi from Auburn Islamic Community Centre.

Acknowledgement of Country

The Mayor, Councillor Lake 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 Lake asked all of those in attendance to stand for the playing of the Australian National Anthem.

Min.610 Apologies / Requests for Leave of Absence/ Requests for Attendance by Audio-Visual Link

Motion (Hamed/Saha)

That in accordance with Clause 5.24 of the *Code of Meeting Practice*, Council approve the attendance of Councillor Huang at this meeting via Audio/Visual Link due to work commitments.

The Motion on being Put was declared **CARRIED**.

Councillor(s) For the Motion: Christou, Colman, Cummings, Elmore, Farooqui, Garrard, Hamed, Hughes, Lake, Saha, Sarkis and Zaiter.

Councillor(s) Against the Motion: Nil.

Notice of Live Streaming of Council Meeting

The Mayor, Councillor Lake advised that the Council meeting was being streamed live on Council's website and all in attendance must ensure their speech to the Council is respectful and use appropriate language.

Confirmation of Minutes

Min.611 C12/23-439 Minutes of the Ordinary Meeting of Council - 15 November 2023

Motion (Elmore/Hamed)

That Council confirm the minutes of the Ordinary Meeting of Council held on 15 November 2023.

The Motion on being Put was declared **CARRIED**.

Councillor(s) For the Motion: Colman, Cummings, Elmore, Farooqui, Hamed, Huang, Lake, Saha, Sarkis and Zaiter.

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

Declarations of Pecuniary & Non Pecuniary Conflicts of Interest

Councillor Colman declared a Significant, Non-Pecuniary interest in Item C12/23-443 as she is a member of the relevant planning panel responsible for determination of this matter. Councillor Colman advised that she will leave the Chamber for the consideration of this item.

Councillor Hughes declared a Non-Significant, Non-Pecuniary interest in item C12/23-442 as her neighbour's site is referenced as part of the resolution on 7 December 2022 however discussion is not relating to this site and therefore would be remaining in the Chamber for the consideration of the item.

The General Manager declared a Pecuniary interest in item C12/23-451 as the item directly related to his employment. As such, the General Manager indicated that he would be exiting the Chamber upon the consideration of this item.

Councillor Elmore raised a Point of Order, citing an alleged breach by Councillor Christou of Clause 15.11(e) of *the Code of Meeting Practice* noting that Councillor Christou was not maintaining order at the Meeting. The Mayor, Councillor Lake advised that Councillor Christou had got the message and had taken his seat.

Request for Adjournment – Prayer Break

The Mayor, Councillor Lake advised that she was in receipt of a request for a prayer break adjournment at 8:00pm. In accordance with clause 5.8 of the *Code of Meeting Practice*, the Mayor ruled that she will adjourn the Meeting for a period of 10 minutes after the first item that concludes around 8:00pm to allow Councillors to pray.

Min.612 MM12/23-44 Mayoral Minute - 16 Days of Activism

Motion (Lake)

That Council:

1. Notes the high engagement and participation in Cumberland's Western Sydney March on November 29th 2023 for the 16 Days of Activism Campaign.
2. Write to the Premier, Federal and State Members, NSW Minister for Women, the Hon. Jodie Harrison and the Federal Minister for Women, Senator the Hon. Katy Gallagher outlining the critical need for funding provision at the local level for prevention and intervention programs.

The Motion on being Put was declared **CARRIED**.

Councillor(s) For the Motion: Christou, Colman, Cummings, Elmore, Farooqui, Garrard, Hamed, Huang, Hughes, Hussein, Lake, Rahme, Saha, Sarkis and Zaiter.

Councillor(s) Against the Motion: Nil.

Councillor Hussein entered the Meeting at 6:59pm during the consideration of this item.

Min.613 MM12/23-45 Mayoral Minute - Cumberland Council Awards Congratulations

Motion (Lake)

That Council congratulate all staff on their achievements and their outstanding contributions to Council and the Cumberland local government area in 2023.

The Motion on being Put was declared **CARRIED**.

Councillor(s) For the Motion: Christou, Colman, Cummings, Elmore, Farooqui, Garrard, Hamed, Huang, Hughes, Hussein, Lake, Rahme, Saha, Sarkis and Zaiter.

Councillor(s) Against the Motion: Nil.

Councillor Rahme left the Meeting at 7:22pm and returned to the Meeting at 7:23pm during the consideration of this item.

Public Forum

Speakers in Agenda Items:

Name	Subject	Suburb	Interest
Mr Khaled Etri (Via AV)	C12/23-442 Cumberland Heritage Planning Proposal – Post-exhibition report	Auburn	Owner
Mr Sinan Haliloglu	C12/23-442 Cumberland Heritage Planning Proposal – Post-exhibition report	Auburn	Owner
Mr Max Fang	C12/23-442 Cumberland Heritage Planning Proposal – Post-exhibition report	Auburn	Owner
Ms Sandra Robinson	C12/23-442 Cumberland Heritage Planning Proposal – Post-exhibition report	Tamarama	Town Planner representing Owner
Ms Thi Trinh	C12/23-442 Cumberland Heritage Planning Proposal – Post-exhibition report	Granville	Owner
Mr George Kirpichnikov	C12/23-442 Cumberland Heritage Planning Proposal – Post-exhibition report	Lidcombe	Priest
Mr Simon Nechepurenkov	C12/23-442 Cumberland Heritage Planning Proposal – Post-exhibition report	Lidcombe	Committee President

Councillor Hussein left the Meeting at 7:29pm and returned to the Meeting at 7:31pm during Public Forum.

Councillor Christou left the Meeting at 7:37pm and returned to the Meeting at 7:39pm during Public Forum.

Councillor Rahme left the Meeting at 7:46pm and returned to the Meeting at 7:53pm during Public Forum.

ADJOURNMENT

7:58pm The Mayor, Councillor Lake adjourned the meeting in accordance with Clause 5.8 of the *Code of Meeting Practice*.

8:43pm The Mayor, Councillor Lake resumed the meeting.

The Mayor, Councillor Lake noted that at the conclusion of the ten minute prayer break, the emergency alarm had sounded in the Merrylands Administration Building and that all present had been required to evacuate. The Fire and Rescue Services then attended the site and had now given clearance to return to the Building.

Public Forum (Continued)

Name	Subject	Suburb	Interest
Ms Kerry Stanton	C12/23-442 Cumberland Heritage Planning Proposal – Post-exhibition report	Auburn	Resident
Mr Anthony Parker	C12/23-442 Cumberland Heritage Planning Proposal – Post-exhibition report	Auburn	Resident

Speakers on General Items:

Name	Subject	Suburb	Interest
Mr Gerard Pinto	Gender Reassignment Leave Entitlements	Granville	Resident/ Owner

Councillor Rahme returned to the Meeting at 8:45pm following the adjournment.

Councillor Sarkis left the Meeting at 9:00pm and returned to the Meeting at 9:04pm during Public Forum.

Min.614 Alteration of Order of Business**Motion (Colman/Sarkis)**

That in accordance with Clause 8.2 of the *Code of Meeting Practice*, Council alter the order of business to allow Item C12/23-442 to be brought forward for consideration at this time of the Meeting.

The Motion on being Put was declared **CARRIED**.

Councillor(s) For the Motion: Christou, Colman, Cummings, Elmore, Farooqui, Garrard, Hamed, Huang, Hughes, Hussein, Lake, Rahme, Saha, Sarkis and Zaiter.

Councillor(s) Against the Motion: Nil.

Min.615 C12/23-442 Cumberland Heritage Planning Proposal - Post-Exhibition Report**Motion (Colman/Sarkis)**

That Council:

1. Endorse the minor amendments to curtilage and information of 47 existing heritage items identified in Schedule 5 of the Cumberland Local Environmental Plan (Cumberland Heritage List) (Attachment 1).
2. Endorse that the heritage area mapping for Rookwood Cemetery and Necropolis is amended to align with the State Heritage Register, as outlined in this report.
3. Endorse Option 2 for new heritage items to Part 1 of Schedule 5 in the Cumberland Local Environmental Plan (Cumberland Heritage List), to progress with 17 new heritage items which meet the following criteria: resolved by Council for inclusion in the Planning Proposal; and recommended for finalisation where no written objection has been received from landowners or interested parties on the proposed inclusion of the item during the process (Attachment 3).
4. Endorse that the Cumberland Heritage Planning Proposal, as provided in Attachment 4, be updated and finalised, based on the above recommendations.
5. Delegate authority to the General Manager to make administrative, mapping and other related changes to documents associated with the Planning Proposal, consistent with the endorsed recommendations of Council.
6. Note that the Local Environmental Plan amendment will be published on the New South Wales legislation website and in the Government Gazette upon finalisation.

Amendment (Zaiter/Rahme)

Add a point 7 as follows:

That item HS67 be excluded from the Heritage Listing.

The proposed Amendment was accepted by the Mover and Seconder of the Motion, and was incorporated to become the substantive Motion as follows:

Motion (Colman/Sarkis)

That:

1. Council endorse the minor amendments to curtilage and information of 47 existing heritage items identified in Schedule 5 of the Cumberland Local Environmental Plan (Cumberland Heritage List) (Attachment 1).
2. Council endorse that the heritage area mapping for Rookwood Cemetery and Necropolis is amended to align with the State Heritage Register, as outlined in this report.
3. Council endorse Option 2 for new heritage items to Part 1 of Schedule 5 in the Cumberland Local Environmental Plan (Cumberland Heritage List), to progress with 17 new heritage items which meet the following criteria: resolved by Council for inclusion in the Planning Proposal; and recommended for finalisation where no written objection has been received from landowners or interested parties on the proposed inclusion of the item during the process (Attachment 3).
4. Council endorse that the Cumberland Heritage Planning Proposal, as provided in Attachment 4, be updated and finalised, based on the above recommendations.
5. Council delegate authority to the General Manager to make administrative, mapping and other related changes to documents associated with the Planning Proposal, consistent with the endorsed recommendations of Council.
6. Council note that the Local Environmental Plan amendment will be published on the New South Wales legislation website and in the Government Gazette upon finalisation.
7. Item HS67 be excluded from the Heritage Listing.

The Motion on being Put was declared **CARRIED** Unanimously.

Councillor(s) For the Motion: Christou, Colman, Cummings, Elmore, Farooqui, Garrard, Hamed, Huang, Hughes, Hussein, Lake, Rahme, Saha, Sarkis and Zaiter.

Councillor(s) Against the Motion: Nil.

ADJOURNMENT

9:38pm The Mayor, Councillor Lake adjourned the meeting for 5 minutes.

9:43pm The Mayor, Councillor Lake resumed the meeting.

Min.616 Extension of Council Meeting**Motion (Sarkis/Saha)**

That Council in accordance with clause 18.2 of the *Code of Meeting Practice*, extend the meeting by 1 hour to conclude at 11:00pm, or if an item being discussed is unfinished at 11:00pm, at the conclusion of that item.

The Motion on being Put was declared **CARRIED**.

Councillor(s) For the Motion: Christou, Colman, Cummings, Elmore Farooqui, Garrard, Hamed, Huang, Hughes, Hussein, Lake, Saha, Sarkis and Zaiter.

Councillor(s) Against the Motion: Nil.

Councillor Rahme left the Meeting at 9:45pm during the consideration of this item and did not return.

Min.617 Items Resolved by Exception**Motion (Saha/Sarkis)**

That Council adopt items C12/23-440, C12/23-445 and C12/23-446 on the Council Agenda as per the recommendations in the reports.

The Motion on being Put was declared **CARRIED**.

Councillor(s) For the Motion: Christou, Colman, Cummings, Elmore Farooqui, Garrard, Hamed, Huang, Hughes, Hussein, Lake, Saha, Sarkis and Zaiter.

Councillor(s) Against the Motion: Nil.

C12/23-440 Legal Report***Resolved by Exception***

That the report be received.

C12/23-445 Audit, Risk and Improvement Committee - Draft Minutes of Meeting held on 20 November 2023***Resolved by Exception***

That Council receive the Draft Minutes of the Audit, Risk and Improvement Committee meeting held on 20 November 2023.

C12/23-446 Cumberland Local Traffic Committee - Minutes of 1 November 2023 Meeting and Items Considered Under Delegated Authority***Resolved by Exception***

That Council:

1. Note the items considered under delegated authority by the Cumberland Local Traffic Committee at the 1 November 2023 meeting, as provided in Attachment 1.
2. Receive and note the minutes of the Cumberland Local Traffic Committee meeting held on 1 November 2023, as provided in Attachment 2.

Min.618 C12/23-441 Letter from Minister for Planning Regarding More Housing in Low and Medium Density Zones - Draft Submission**Motion (Saha/Elmore)**

That Council:

1. Endorse the draft submission to the Minister for Planning regarding more housing in low and medium density zones, as provided in Attachment 1, and forward to the Minister for consideration; and
2. Delegate authority to the General Manager to finalise the draft submission, including minor typographical changes.

Amendment (Huang/Farooqui)

Add a point 3 as follows:

Send a further, separate letter to the Minister of Planning expressing concern about media reports that the state government intends to impose new planning controls within 400 meters of certain train stations including Lidcombe and Berala and seek a urgent meeting to clarify their intent and discuss the feasibility and potential merit.

The proposed Amendment was accepted by the Mover and Seconder of the Motion, and was incorporated to become the substantive Motion as follows:

Motion (Saha/Elmore)

That Council:

1. Endorse the draft submission to the Minister for Planning regarding more housing in low and medium density zones, as provided in Attachment 1, and forward to the Minister for consideration; and
2. Delegate authority to the General Manager to finalise the draft submission, including minor typographical changes.
3. Send a further, separate letter to the Minister for Planning expressing concern about media reports that the state government intends to impose new planning controls within 400 meters of certain train stations including Lidcombe and Berala and seek an urgent meeting to clarify their intent and discuss the feasibility and potential merit.

Amendment (Garrard/Christou)

Omit the final paragraph including the three dot points of the letter and include the following:

That Council's submission be inclusive of the following advice in considering the Minister's request to review Council's policy setting to allow for more and diverse low and medium density zones.

That:

- a) The Minister be advised that Council has recently completed a review of its planning controls addressing considered ways to promote housing density and diversity in residential zones, particularly concerning R2 and R3 zonings.
- b) Council's strategies will enable an additional 24,000 dwellings by 2036, and that this increased level of housing already raises concerns about the ability of the State Government to address existing backlogs associated with the provision of infrastructure.
- c) Council respects the community's desire to maintain the existing amenity and character of its existing low-density residential areas.

Foreshadowed Amendment (Zaiter)

Omit the final paragraph and ensure that Council's submission be inclusive of Council's position that a review is not required and that Council can achieve the housing targets.

Councillor Garrard subsequently withdrew his Amendment.

The Foreshadowed Amendment then became the Amendment as follows:

Amendment (Zaiter/Cummings)

Replace point 1 with the following:

1. Redraft Council's submission to ensure that Council's submission be inclusive of Council's position that a review is not required and that Council can achieve the housing targets.

Add a point 4:

4. Send a copy of the submission to local members requesting support.

The proposed Amendment was accepted by the Mover and Seconder of the Motion, and was incorporated to become the substantive Motion as follows:

Motion (Saha/Elmore)

That Council:

1. Redraft Council's submission to ensure that Council's submission be inclusive of Council's position that a review is not required and that Council can achieve the housing targets.
2. Delegate authority to the General Manager to finalise the draft submission, including minor typographical changes.
3. Send a further, separate letter to the Minister for Planning expressing concern about media reports that the state government intends to impose new planning controls within 400 meters of certain train stations including Lidcombe and Berala and seek an urgent meeting to clarify their intent and discuss the feasibility and potential merit.
4. Send a copy of the submission to local members requesting support.

The Motion on being Put was declared **CARRIED** Unanimously.

Councillor(s) For the Motion: Christou, Colman, Cummings, Elmore
Farooqui, Garrard, Hamed, Huang, Hughes,
Hussein, Lake, Saha, Sarkis and Zaiter.

Councillor(s) Against the Motion: Nil.

Councillor Colman left the Meeting at 9:48pm and returned to the Meeting at 9:51pm during the consideration of this item.

Councillor Christou left the Meeting at 9:55pm and returned to the Meeting at 9:56pm during the consideration of this item.

Councillor Zaiter left the Meeting at 10:27pm and returned to the Meeting at 10:28pm during the consideration of this item.

Councillor Hussein left the Meeting at 10:39pm and returned to the Meeting at 10:43pm during the consideration of this item.

Councillor Sarkis left the Meeting at 10:44pm and returned to the Meeting at 10:45pm during the consideration of this item.

Min.619 C12/23-443 Draft Site-Specific Development Control Plan - 1 Crescent Street, Holroyd - Post Exhibition

Note: Councillor Colman exited the Chamber at 10:50pm prior to the consideration of this item as she had previously declared an interest in this item. She returned to the Chamber following the consideration of this item at 11:12pm.

Motion (Elmore/Saha)

That Council adopt the site specific Development Control Plan for 1 Crescent Street, Holroyd as provided in Attachment 1.

The Motion on being Put was declared **CARRIED**.

Councillor(s) For the Motion: Christou, Cummings, Elmore Farooqui, Garrard, Huang, Hughes, Hussein, Lake, Saha and Zaiter.

Councillor(s) Against the Motion: Sarkis.

Councillor Hamed left the Meeting at 10:50pm and returned to the Meeting at 11:11pm following the consideration of this item.

Min.620 Adjournment of Meeting**Motion (Sarkis/Hamed)**

That Council adjourn the remainder of this agenda to a meeting scheduled for the 13th December 2023 to commence at 6.30pm, and resolve to vacate the Ordinary Council meeting fixed for the 20th December 2023.

The Motion on being Put was declared **CARRIED**.

Councillor(s) For the Motion: Christou, Colman, Cummings, Elmore Farooqui, Garrard, Hamed, Hughes, Hussein, Lake, Saha, Sarkis and Zaiter.

Councillor(s) Against the Motion: Nil.

Due to the maximum time limit/duration of the Council meeting being reached, the Mayor closed the current meeting at 11:12pm.

**Minutes of the Council Meeting held on 13 December 2023 –
(As resumed from the Council Meeting adjourned on 6 December 2023)**

PRESENT

Councillors

Lisa Lake (Mayor)	Councillor
Ola Hamed (Deputy Mayor)	Councillor
Steve Christou	Councillor
Diane Colman	Councillor
Greg Cummings	Councillor
Glenn Elmore	Councillor (arrived 6:32pm)
Sabrin Farooqui	Councillor
Paul Garrard	Councillor
Kun Huang	Councillor
Helen Hughes	Councillor
Mohamad Hussein	Councillor (arrived 6:41pm)
Suman Saha	Councillor
Eddy Sarkis	Councillor (via Audio-Visual Link)
Michael Zaiter	Councillor

Officers

Peter Fitzgerald	General Manager
Melissa Attia	Director Corporate Performance (Deputy General Manager)
Daniel Cavallo	Director Environment & Planning
Brendan Govers	Director City Services
Nicole Byrn	Director Community & Culture
Charlie Ayoub	Director Governance & Risk
Colin McFadzean	General Counsel
Carol Karaki	Manager Governance
Bianca Mourched	Coordinator Governance

The Mayor, Councillor Lake opened the Meeting on Wednesday 13 December 2023 at 6:30pm.

Opening Prayer

The opening prayer was read by the General Manager.

Acknowledgement of Country

The Mayor, Councillor Lake 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 Lake asked all of those in attendance to stand for the playing of the Australian National Anthem.

Min.621 Apologies / Requests for Leave of Absence/ Requests for Attendance by Audio-Visual Link

Note: The Mayor, Councillor Lake noted that Councillor Rahme was an apology for this meeting.

Motion (Saha/Zaiter)

That in accordance with Clause 5.24 of the *Code of Meeting Practice*, Council approve the attendance of Councillor Sarkis at this meeting via Audio/Visual Link due to travelling.

The Motion on being Put was declared **CARRIED**.

Councillor(s) For the Motion: Christou, Colman, Cummings, Elmore, Farooqui, Garrard, Hamed, Huang, Hughes, Lake, Saha, Sarkis and Zaiter.

Councillor(s) Against the Motion: Nil.

Notice of Live Streaming of Council Meeting

The Mayor, Councillor Lake advised that the Council meeting was being streamed live on Council's website and all in attendance must ensure their speech to the Council is respectful and use appropriate language.

Request for Adjournment – Prayer Break

The Mayor, Councillor Lake advised that she was in receipt of a request for a prayer break adjournment at 8:05pm. Councillor Garrard raised a Point of Order, stating that as this was the resumption of a previously adjourned Council Meeting, a prayer break could not be called under the *Code of Meeting Practice* as one had already been taken during the meeting held on the 6th December 2023. The Mayor, Councillor Lake upheld the Point of Order.

Min.622 C12/23-444 Greystanes Pemulwuy Bushfire Management Plan

Motion (Colman/Saha)

That Council note this report.

The Motion on being Put was declared **CARRIED** Unanimously.

Councillor(s) For the Motion: Christou, Colman, Cummings, Elmore, Farooqui, Garrard, Hamed, Huang, Hughes, Hussein, Lake, Saha, Sarkis and Zaiter.

Councillor(s) Against the Motion: Nil.

Councillor Hussein entered the meeting at 6:41pm during the consideration of this item.

**Min.623 C12/23-447 Cumberland Local Traffic Committee - 1 November 2023
- Recommendations to Council**

Motion (Cummings/Saha)

That Council endorse the recommendations for items considered by the Cumberland Local Traffic Committee at the 1 November 2023 meeting, as provided in this report with the exception of items CTC-23-187, CTC-23-191 and CTC-23-192 which will be dealt with separately.

The Motion on being Put was declared **CARRIED**.

Councillor(s) For the Motion: Christou, Colman, Cummings, Elmore, Farooqui, Garrard, Hamed, Huang, Hughes, Hussein, Lake, Saha, Sarkis and Zaiter.

Councillor(s) Against the Motion: Nil.

Min.624

CTC-23-187- Kibo Road, Regents Park - Proposed Refuge Island

Motion (Hughes/Garrard)

That:

1. The proposed Pedestrian Crossing with associated signage and zebra line marking on Kibo Road, Regents Park (adjacent to Kibo Reserve) be finalised and included in Council's Capital Works Program.
2. Council liaise with Australia Post for the relocation of the mailbox.
3. The affected / concerned residents be notified of Council's resolution.

Amendment (Saha/Hamed)

Omit the points 1-3 and refer the matter back to the Traffic Committee.

Foreshadowed Amendment (Farooqui)

Omit the word zebra in point 1 and replace the words Pedestrian Crossing with Refuge Island.

The Amendment on being Put was declared **LOST**.

Councillor(s) For the Amendment: Hamed, Lake and Saha.

Councillor(s) Against the Amendment: Christou, Colman, Cummings, Elmore, Farooqui, Garrard, Huang, Hughes, Hussein, Sarkis and Zaiter.

The Foreshadowed Amendment then became the Amendment as follows:

Amendment (Farooqui/Huang)

Omit the word zebra in point 1 and replace the words Pedestrian Crossing with Refuge Island.

ADJOURNMENT

8:04pm The Mayor, Councillor Lake adjourned the meeting for 5 minutes due to technical issues with the live stream.

8:09pm The Mayor, Councillor Lake resumed the meeting.

Upon resuming the meeting, the Mayor Councillor Lake noted that the cameras had ceased working and that only audio output was operational.

The Amendment on being Put was declared **CARRIED**.

Councillor(s) For the Amendment: Colman, Elmore, Farooqui, Hamed, Huang, Hussein, Lake, Saha and Zaiter.

Councillor(s) Against the Amendment: Christou, Garrard, Hughes and Sarkis.

The Amendment then became the Motion as follows:

Motion (Farooqui/Huang)

That:

1. The proposed Refuge Island with associated signage and line marking on Kibo Road, Regents Park (adjacent to Kibo Reserve) be finalised and included in Council's Capital Works Program.
2. Council liaise with Australia Post for the relocation of the mailbox.
3. The affected / concerned residents be notified of Council's resolution.

The Motion on being Put was declared **CARRIED**.

Councillor(s) For the Motion: Colman, Elmore, Farooqui, Hamed, Huang, Hussein, Lake, Saha and Zaiter.

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

During the consideration of this item, Councillor Elmore raised a Point of Order, citing a breach of Clause 15.11 (d) of the *Code of Meeting Practice*, alleging Councillor Christou made an unfavourable remark and requested he withdraw his comment and apologise. The Mayor, Councillor Lake upheld the Point of Order, and requested that Councillor Christou withdraw his comment. Councillor Christou refused to withdraw his comment.

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

Councillor Cummings left the Meeting at 7:52pm and returned to the Meeting at 7:58pm during the consideration of this item.

Min.625**CTC-23-191 - Dellwood Street, South Granville - Request for Pedestrian Crossing****Motion (Garrard/Christou)**

That:

1. The proposed marked pedestrian crossing in Dellwood Street, South Granville, including kerb blisters and signage in accordance with the attached plan be approved.
2. Council forward final design plans to Transport for NSW for concurrence.
3. Council notify the Taxi Council regarding the reduction in length of the existing 'Taxi Zone'.
4. Council undertake consultation with the businesses regarding the proposed marked pedestrian crossing in Dellwood Street, South Granville and report back to the Traffic Committee if objections are received.

The Motion on being Put was declared **CARRIED** Unanimously.

Councillor(s) For the Motion: Christou, Colman, Cummings, Elmore, Farooqui, Garrard, Hamed, Huang, Hughes, Hussein, Lake, Saha, Sarkis and Zaiter.

Councillor(s) Against the Motion: Nil.

During the consideration of this item, Councillor Saha raised a Point of Order, citing an alleged breach of Clause 15.11 (d) of the *Code of Meeting Practice* alleging Councillor Garrard made an unfavourable personal remark. The Mayor, Councillor Lake upheld the Point of Order and asked Councillor Garrard to refrain from making any personal comments towards anyone in the room.

Councillor Cummings returned to the Meeting following the adjournment at 8:15pm during the consideration of this item.

Min.626**CTC-23-192 - Hampden Road, South Wentworthville - Road Safety Concerns****Motion (Saha/Hussein)**

That the matter be referred back to the Traffic Committee due to a late submission.

The Motion on being Put was declared **CARRIED**.

Councillor(s) For the Motion: Christou, Colman, Cummings, Elmore, Farooqui, Garrard, Hamed, Huang, Hughes, Hussein, Lake, Saha, Sarkis and Zaiter.

Councillor(s) Against the Motion: Nil.

Min.627 C11/23-438 Notice of Motion - Request for Marked Pedestrian Crossings Warrant Policy – Part Heard from Council Meeting of 15 November 2023

Note: The Amendment proposed on 15 November 2023 was accepted by the Mover and Secunder of the Motion, and was incorporated to become the substantive Motion as follows:

Motion (Hughes/Garrard)

As Transport for NSW (TfNSW) now permits local governments to develop their own Policy and Guidelines (including Warrants) for marked pedestrian crossings, it allows implementation to our communities of safety contributions for local needs.

Council therefore requests that a workshop be arranged to brief Councillors on:

1. Transport for NSW Pedestrian Crossing warrant system.
2. Pedestrian Crossing Guideline effective from 13 September 2022.
3. Whether a local Pedestrian Crossing Warrant Policy is necessary and/or desirable.
4. Recommendations on clauses to be included in a local policy if it is determined it is required.

The Motion on being Put was declared **CARRIED** Unanimously.

Councillor(s) For the Motion: Christou, Colman, Cummings, Elmore, Farooqui, Garrard, Hamed, Huang, Hughes, Hussein, Lake, Saha, Sarkis and Zaiter.

Councillor(s) Against the Motion: Nil.

Min.628 C12/23-448 Notice of Motion - Closing the Gap**Motion (Christou/Garrard)**

That Council:

1. Note and acknowledge the recent overwhelming No Vote Result from the Voice to Parliament Referendum.
2. Donate \$10,000 to the Ngaanyatjarra Pitjantatjara Yankunytjatjara Women's Council, known as the NPY Women's Council, funded from the Community Reserve.
3. Request that the General Manager provide a report to a future Council meeting following referral of this matter and consultation of the Cumberland ATSIC, exploring measures that Council can undertake to partner up with an Indigenous organisation or charity, to ascertain the needs of disadvantaged Indigenous communities, and how Council can assist further.

4. Ensure the scope of this report includes details on a potential Council delegation of Elected Councillors and staff wishing to visit a disadvantaged Indigenous Community to better understand their struggles and needs and what can be done to assist their lives.
5. Write to the Minister for Indigenous Australians and the Minister for Immigration, Citizenship and Migrant Services and Multicultural Affairs, seeking support and additional funding to help implement the above initiatives.

The Motion on being Put was declared **LOST**.

Councillor(s) For the Motion: Christou, Cummings, Garrard, Hughes. Sarkis and Zaiter.

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

Councillor Saha left the Meeting at 8:37pm and returned at 8:39pm during the consideration of this item.

C12/23-449 Questions on Notice - Submitted by Councillor Colman

Note: Council received the answers to these questions as published in the Business Paper for this Ordinary Council Meeting (6 December 2023).

Min.629 Closed Session Reports

At this stage of the meeting being 8:43pm, the Mayor advised that in accordance with Section 10A(2)(a) and (2)(d)(i) of the *Local Government Act 1993*, the meeting would now move into Closed Session to consider the following items:

Item C12/23-450 as the item contains the following;

(2) The matters and information are the following—

(d) commercial information of a confidential nature that would, if disclosed--

(i) prejudice the commercial position of the person who supplied it.

Item C12/23-451 as the item contains the following:

(2) The matters and information are the following—

(a) personnel matters concerning particular individuals (other than councillors),

Motion (Cummings/Hussein)

That:

1. In accordance with S.10A(2)(d)(i) of the *Local Government Act 1993*, Council enter into Closed Session to consider Item C12/23-450, and;
2. In accordance with S.10A(2)(a) of the *Local Government Act 1993*, enter into Closed Session to consider Item C12/23-451.

The Motion on being Put was declared **CARRIED**.

Councillor(s) For the Motion: Christou, Colman, Cummings, Elmore, Farooqui, Garrard, Hamed, Huang, Hughes, Hussein, Lake, Saha, Sarkis and Zaiter.

Councillor(s) Against the Motion: Nil.

Min.630 C12/23-450 Tender Evaluation Report - Alderson Park Upgrade Works RFX574

Motion (Saha/Hamed)

That Council:

1. Accept the Tender Evaluation Panel's recommendation to award the contract to Perfection Landscape Services Pty Ltd ABN 77 096 353 294 in accordance with Clause 178(1)(a) of the Local Government (General) Regulation 2005, for \$945,062.43 (excluding GST).
2. Delegate to the General Manager the authority to execute the contract and any associated documents.

The Motion on being Put was declared **CARRIED** Unanimously.

Councillor(s) For the Motion: Christou, Cummings, Elmore, Farooqui, Garrard, Hamed, Huang, Hughes, Hussein, Lake, Saha, Sarkis and Zaiter.

Councillor(s) Against the Motion: Nil.

Councillor Colman left the Meeting at 8:45pm during the consideration of this item.

Councillor Hussein left the Meeting at 8:45pm and returned to the Meeting at 8:46pm during the consideration of this item.

Min.631 C12/23-451 Draft Performance Agreement for Cumberland Council General Manager for the Period 1 July 2023 to 30 June 2024

Note: The General Manager exited the Chamber prior to the consideration of this item at 8:47pm and returned to the Chamber following the consideration of this item at 9:39pm, as he had declared a Pecuniary Interest in this item.

Resolved (Hamed/Zaiter)

That Council:

1. Adopt the *Draft Performance Agreement for Cumberland Council General Manager for the period 1 July 2023 to 30 June 2024*, as provided under Attachment 1 to this report subject to deletion of the tier 3 weightings leaving the tier 1 and tier 2 weightings.

2. Note that this agreement, once adopted will form the basis on which the mid-year review of the General Manager's performance will be conducted (in February 2024 consistent with the Procedure for the Review of the Performance of the General Manager).
3. Receive a report in July 2024 to nominate a third panel member to form the Review Panel, to conduct the review of the General Manager's performance for the period 1 July 2023 to 30 June 2024 as per the *Procedure for the Review of the Performance of the General Manager*.
4. Conduct the annual review of the General Manager's performance on or as close as possible to 1 August 2024.

The Motion on being Put was declared **CARRIED**.

Councillor(s) For the Motion: Colman, Elmore, Farooqui, Hamed, Huang, Hussein, Lake, Saha and Zaiter.

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

During the consideration of this item, Councillor Elmore raised a Point of Order, citing an alleged breach of Clause 15.11 (d) of the *Code of Meeting Practice* alleging Councillor Christou made a threatening remark. The Mayor, Councillor Lake did not uphold the Point of Order.

Councillor Colman returned to the Meeting at 8:48pm during the consideration of this item.

Councillor Cummings left the Meeting at 9:14pm and returned to the Meeting at 9:19pm during the consideration of this item.

Councillor Cummings left the Meeting at 9:30pm during the consideration of this item and did not return.

Min.632 Open Session

Motion (Colman/Hamed)

That Council resume the public meeting.

The Motion on being Put was declared **CARRIED**.

Councillor(s) For the Motion: Christou, Colman, Elmore, Farooqui, Garrard, Hamed, Huang, Hughes, Hussein, Lake, Saha, Sarkis and Zaiter.

Councillor(s) Against the Motion: Nil.

On resumption of the public meeting at 9:38pm, the Mayor, Councillor Lake read out the resolutions made in Closed Session.

Councillor Sarkis left the Meeting at 9:38pm during the consideration of this matter and did not return.

Min.633 Matter of Urgency – Councillor Garrard – Guildford Shopping Centre Cleanliness

In accordance with Clause 9.3(b) of the adopted *Code of Meeting Practice*, the Mayor ruled that the business raised without notice by Councillor Garrard in relation to the cleanliness of the Guildford Shopping Centre area be heard by Council as a matter of urgency, as it requires a decision by the Council before the next scheduled ordinary meeting.

Motion (Garrard/Christou)

That the General Manager improve the service delivery ensuring the cleanliness of the Guildford Shopping Centre area.

The Motion on being Put was declared **CARRIED**.

Councillor(s) For the Motion: Christou, Colman, Elmore, Farooqui, Garrard, Hamed, Huang, Hughes, Hussein, Lake, Saha and Zaiter.

Councillor(s) Against the Motion: Nil.

Min.634 Matter of Urgency – Councillor Christou – Release of 80 detainees into the Wider Community

In accordance with Clause 9.3(b) of the adopted *Code of Meeting Practice*, the Mayor ruled that the business raised without notice by Councillor Christou in relation to the recent release of 80 detainees into the wider community be heard by Council as a matter of urgency, as it requires a decision by the Council before the next scheduled ordinary meeting.

Motion (Christou/Garrard)

That Council rewrite to the Federal Government urging a response in relation to the illegal detainees and expressing serious concern.

Amendment (Colman/Elmore)

That the Motion be replaced with the following:

That Council follows up with the Federal Government a response in relation to its previous correspondence.

The proposed Amendment was accepted by the Mover and Seconder of the Motion, and was incorporated to become the substantive Motion as follows:

Motion (Christou/Garrard)

That Council follows up with the Federal Government a response in relation to its previous correspondence.

The Motion on being Put was declared **CARRIED**.

Councillor(s) For the Motion: Christou, Colman, Elmore, Farooqui, Garrard, Hamed, Hughes, Hussein, Lake and Saha.

Councillor(s) Against the Motion: Nil.

Councillor Huang left the Meeting at 9:50pm during the consideration of this matter and did not return.

Councillor Zaiter left the Meeting at 9:50pm during the consideration of this matter and did not return.

Other/General Business

At this point of the meeting, the Mayor Councillor Lake thanked the General Manager, Executive Team, Staff, Councillors, Community Organisations and the families of the Councillors. The Mayor further wished everyone an enjoyable Christmas break.

The Mayor, Councillor Lake closed the meeting at 9:54pm.

Chairperson_____