
Minutes of the Council Meeting 07 February 2024

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
Kun Huang	Councillor (via Audio-Visual Link – joined 6:37pm)
Helen Hughes	Councillor
Mohamad Hussein	Councillor (arrived 6:41pm)
Joseph Rahme	Councillor (arrived 6:31pm)
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 6:30pm.

Opening Prayer

The opening prayer was read by Reverend Danelle McLeay from Merrylands Baptist Church.

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

Motion (Zaiter/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: Colman, Cummings, Elmore, Farooqui, Hamed, Hughes, Lake, Rahme, Saha, Sarkis and Zaiter.

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

Councillor Huang joined the Meeting at 6:37pm following the consideration of this item.

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.636 C02/24-452 Minutes of the Ordinary Meeting of Council - 06 December 2023

Motion (Saha/Hamed)

That Council confirm the minutes of the Ordinary Meeting of Council held on 06 December 2023 and 13 December 2023 (*As resumed from the Council Meeting adjourned on 6 December 2023*).

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

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

Councillor(s) Against the Motion: Nil.

Declarations of Pecuniary & Non Pecuniary Conflicts of Interest

Councillor Elmore declared a Significant, Non-Pecuniary interest in relation to Item C02/24-456 Letter of Offer for 4-4A Terminal Place, Merrylands as he is on the Sydney Central Planning Panel which will determine this matter in future, and as such, he will leave the Chamber prior to any discussion in relation to the matter.

Councillor Hamed declared a Significant, Non-Pecuniary interest in relation to Item C02/24-456 Letter of Offer for 4-4A Terminal Place, Merrylands as she is on the Sydney Central Planning Panel which will determine this matter in future, and as such, she will leave the Chamber prior to any discussion in relation to the matter.

Councillor Sarkis declared a Less than Significant, Non-Pecuniary interest in relation to Item C02/24-458 Draft Pendle Hill Town Centre Public Domain Plan - Post Exhibition as his family own property near the area subject of the report, and as such, he will leave the Chamber prior to any discussion in relation to the matter.

The General Manager declared a Pecuniary interest in item AR02/24-1 Notice of Motion to Alter Council Resolution - C12/23-451 Draft Performance Agreement for Cumberland Council General Manager for the Period 1 July 2023 to 30 June 2024 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 Hussein entered the meeting at 6:41pm during the Declarations of Interest.

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.

Granville Train Disaster Memorial Service

At this point in the Meeting, the Mayor read out an appreciation email in relation to the recent Granville Train Disaster Memorial Service held by Council from Chief Inspector Gary Raymond a member of the Granville Train Disaster Association.

Min.637 MM02/24-46 Mayoral Minute - Australia Day Honours 2024

Motion (Lake)

That Council:

1. Congratulate Councillor Sabrin Farooqui, Mr David Allan Williams, Mr Sarkis Chahine Karam, Mr Peter Bacha, and the late Mr John Edward Glennon on being awarded the Medal of the Order of Australia.
2. Organise a Mayoral reception to congratulate individuals awarded the Medal of the Order of Australia, including the family of the late Mr John Edward Glennon.

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.

Public Forum:

Speakers on Items on the Council Meeting Agenda

Speaker	Item #	Suburb	Interest
Mr Alex Doyan	AR02/24-2 Notice of Motion to Alter Council Resolution - CTC-23-187- Kibo Road, Regents Park - Proposed Refuge Island	Regents Park	Resident
Mrs Roula Christodoulides	AR02/24-2 Notice of Motion to Alter Council Resolution - CTC-23-187- Kibo Road, Regents Park - Proposed Refuge Island	Regents Park	Owner
Mr Roydon Ng	C02/24-461 Notice of Motion - Response to proposed changes to Planning Policy for parts of Berala and Lidcombe	Lidcombe	Resident

Min.638 Alteration of Order of Business

Motion (Hughes/Colman)

That in accordance with Clause 8.2 of the *Code of Meeting Practice*, Council alter the order of business to allow Items AR02/24-2 Notice of Motion to Alter Council Resolution - CTC-23-187- Kibo Road, Regents Park - Proposed Refuge Island and C02/24-461 Notice of Motion - Response to proposed changes to Planning Policy 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.639 AR02/24-2 Notice of Motion to Alter Council Resolution - CTC-23-187- Kibo Road, Regents Park - Proposed Refuge Island

Pursuant to Notice, Councillors Hughes, Garrard and Christou move that Council alter the below resolution of Council made at the Council Meeting on 6 December adjourned to 13 December 2023 CTC-23-187- Kibo Road, Regents Park - Proposed Refuge Island.

Min.624

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.

Motion (Hughes/Garrard)

That the proposed Pedestrian Crossing with associated signage and zebra line marking on Kibo Road, Regents Park (adjacent to Kibo Reserve) be finalised in accordance with the plan and included in Council's Capital Works Program by a referral back to the Traffic Committee.

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

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

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

Councillor Rahme left the Meeting at 7:14pm and returned to the Meeting at 7:17pm during the consideration of this item.

Councillor Rahme left the Meeting at 7:19pm and returned to the Meeting at 7:22pm during the consideration of this item.

At this point of the meeting, Councillors Garrard, Christou and Hughes rose and called for a Division. The Mayor noted that the Division had already occurred, with a vote through a show of hands which will result in the recording in the Minutes of the Councillors who voted for or against the Motion. Councillor Garrard questioned this ruling, and the Mayor adjourned the meeting.

ADJOURNMENT

7:35pm The Mayor, Councillor Lake adjourned the meeting to seek clarification advice on the *Code of Meeting Practice*, in accordance with the above.

7:47pm The Mayor, Councillor Lake upon reassembling, asked for a Motion to proceed with the business.

Min.640 Motion to Proceed with Business

Motion (Garrard/Christou)

That Council continue with the business 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.

Upon the resumption of the meeting, through the General Manager, the General Counsel confirmed that the Mayor's ruling in relation to the request for a Division was in accordance with the *Code of Meeting Practice*.

Min.641 C02/24-461 Notice of Motion - Response to proposed changes to Planning Policy for parts of Berala and Lidcombe.

Motion (Farooqui/Huang)

That with respect to the recently proposed changes to planning policy for parts of Berala and Lidcombe, Council:

1. Undertake community information sessions with the affected residents in Lidcombe and Berala to understand the proposed planning changes.
2. Request that staff from the relevant state agencies attend the information sessions.
3. Write to the State Government outlining the community's feedback on the proposal.
4. Opposes the proposed changes to Berala and Lidcombe town centre without the infrastructure development and consultation with the local community.

Amendment (Hughes/ Garrard)

Replace point 4 wording with the below and ensure point 3 of the original motion becomes point 4 (with the below being point 3).

3. Opposes the proposed changes to the Berala and Lidcombe town centres due to existing zoning, the current neighbourhood amenity, and lack of general infrastructure

ADJOURNMENT

8:34pm The Mayor, Councillor Lake adjourned the meeting in accordance with Clause 15.13 of the *Code of Meeting Practice*.

8:48pm The Mayor, Councillor Lake upon reassembling, asked for a Motion to proceed with the business.

Min.642 Motion to Proceed with Business

Motion (Colman/Hamed)

That Council continue with the business of the meeting.

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

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

Councillor(s) Against the Motion: Nil.

Debate on the Item subsequently continued.

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

Councillor(s) For the Amendment: Christou, Cummings, Garrard, Hughes, Rahme and Sarkis.

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

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

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

Councillor(s) Against the Motion: Rahme and Sarkis.

During the consideration of this item, Councillor Colman raised a point of order, citing an alleged breach of the *Code of Meeting Practice* by Councillor Garrard, stating that Councillor Garrard made a concerning remark. The Mayor, Councillor Lake asked Councillor Garrard to withdraw and apologise. Councillor Garrard proceeded to replace his remark, and did not apologise.

During the consideration of this item, Councillor Rahme raised a point of order, citing an alleged breach of Clause 15.11(d)(e) of the *Code of Meeting Practice* by Councillor Colman, stating that Councillor Colman made an unfavourable remark about Councillor

Garrard. The Mayor, Councillor Lake advised that she did not hear the comment however this can be further reviewed following the meeting through the meeting recording.

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

Councillor Sarkis left the Meeting at 8:11pm and returned to the Meeting at 8:13pm during the consideration of this item.

Councillor Huang left the Meeting at 8:29pm and returned to the Meeting at 8:31pm during the consideration of this item.

Councillor Huang returned to the Meeting at 8:49pm following the adjournment during the consideration of this item.

Councillor Farooqui returned to the Meeting at 8:49pm following the adjournment during the consideration of this item.

Min. 643 Items Resolved by Exception

Motion (Cummings/Hamed)

That Council adopt items C02/24-454, C02/24-459, C02/24- 460, C02/24- 462 and C02/24-463 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, Rahme, Saha, Sarkis and Zaiter.

Councillor(s) Against the Motion: Nil.

C02/24-454 Investment Report - November 2023

Resolved by Exception

That Council receive the November 2023 Investment Report.

C02/24-459 Tom Adams Oval Naming - Post Exhibition

Resolved by Exception

That Council installs the proposed commemorative plaque in honour of the late Thomas (Tom) Adams and updated identification signage associated with the naming at Roberta Street Park, Greystanes, as outlined in this report.

**C02/24-460 Report on Variations for Development Standards
Approved Under Delegation - October to December 2023 Quarter**

Resolved by Exception

That Council receive and note this report.

**C02/24-462 Tender Evaluation Report - Norman Park Playspace
Upgrade RFX574**

Resolved by Exception

That Council:

1. Accept the Tender Evaluation Panel's recommendation to award the contract to Civilscape Pty Ltd (ANB 18 623 204 062) in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, for \$499,729.00 ex GST.
2. Delegate to the General Manager the authority to execute the contract and any associated documents.

**C02/24-463 Tender Evaluation Report - Rosnay (Auburn) Golf
Course Irrigation Upgrade RFX648**

Resolved by Exception

That Council:

1. Accept the Tender Evaluation Panel's recommendation to award the contract to Never Stop Irrigation Pty Ltd (ABN 90 107 666 606) in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, for \$527,748.62 ex GST (Provisional Sum \$112,000 ex GST)
2. Delegate to the General Manager the authority to execute the contract and any associated documents.

**Min.644 C02/24-453 Ordinary Council Meeting Schedule - Remainder of
Council Term 2024**

Motion (Colman/Hamed)

That Council adopt the Ordinary Council Meeting Schedule for the remainder of the current Council term as outlined in the 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, Rahme, Saha, Sarkis and Zaiter.

Councillor(s) Against the Motion: Nil.

Min.645 C02/24-455 Investment Report - December 2023

Motion (Christou/ Garrard)

That Council receive the December 2023 Investment 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, Rahme, Saha, Sarkis and Zaiter.

Councillor(s) Against the Motion: Nil.

Councillor Huang left the Meeting at 9:16pm and returned to the Meeting at 9:21pm during the consideration of this item.

Min.646 C02/24-456 Letter of Offer for 4-4A Terminal Place, Merrylands

Note: Councillors Elmore and Hamed exited the Chamber at 9:21pm prior to the consideration of this item as they had declared a Significant, Non-Pecuniary interest in this item. They returned to the Meeting following the consideration of this item at 9:29pm.

Motion (Colman/Saha)

That Council:

1. Endorse in-principle the letter of offer for 4-4A Terminal Place, Merrylands, regarding the dedication of land for the purpose of open space and local roads, including associated works (as required by Council), and associated offsets of local infrastructure contributions, as outlined in this report.
2. Note that the Council resolution on the letter of offer will be considered as part of the assessment for the development applications on the site.

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

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

Councillor(s) Against the Motion: Nil.

Councillor Huang left the Meeting at 9:22pm and returned to the Meeting at 9:23pm during the consideration of this item.

Min.647 C02/24-457 Letter of Offer for 15 Neil Street, Merrylands

Motion (Sarkis/Farooqui)

That Council:

1. Endorse in-principle the letter of offer for 15 Neil Street, Merrylands, regarding the dedication of land for the purpose of open space and associated works (as required by Council), use of a surplus value of contributions already paid, and associated offsets of local infrastructure contributions, as outlined in this report.
2. Note that the Council resolution on the letter of offer will be considered as part of the assessment for the modification application on the site.

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.648 C02/24-458 Draft Pendle Hill Town Centre Public Domain Plan - Post Exhibition

Note: Councillor Sarkis exited the Chamber at 9:29pm prior to the consideration of this item as he had declared a Less than Significant, Non-Pecuniary interest in this item. He subsequently did not return to the meeting.

Motion (Saha/Colman)

That Council:

1. Adopt the Pendle Hill Town Centre Public Domain Plan as provided in Attachment 1.
2. Pursue opportunities for Federal and State grants to support the implementation of the Pendle Hill Town Centre Public Domain Plan.

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 and Zaiter.

Councillor(s) Against the Motion: Nil.

Councillor Christou left the Meeting at 9:31pm and returned to the Meeting at 9:33pm during the consideration of this item.

Councillor Farooqui left the Meeting at 9:31pm and returned to the Meeting at 9:35pm during the consideration of this item.

Councillor Huang left the Meeting at 9:31pm and returned to the Meeting at 9:33pm during the consideration of this item.

Councillor Huang left the Meeting at 9:36pm and returned to the Meeting at 9:37pm during the consideration of this item.

AR02/24-1 Notice of Motion to Alter Council Resolution - 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 9:38pm and returned to the Chamber following the consideration of this item at 9:59pm, as he had declared a Pecuniary Interest in this item.

During the consideration of this item, Council proposed to consider the matter further in closed session, due to the matter relating to personnel matters in accordance with Section 10A(2)(a) of the *Local Government Act 1993*.

Councillor Rahme left the Meeting at 9:40pm and returned to the Meeting at 9:41pm during the consideration of this item.

Councillor Farooqui left the Meeting at 9:41pm and returned to the Meeting at 9:42pm during the consideration of this item.

Min.649 Closed Session

At this stage of the meeting being 9:50pm, the Mayor advised that in accordance with Section 10A(2)(a) of the *Local Government Act 1993*, it is proposed to move into Closed Session to consider the following item:

Item AR02/24-1 as the item contains the following:

(2) *The matters and information are the following—*

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

Motion (Zaiter/Elmore)

That in accordance with S.10A(2)(a) of the Local Government Act 1993, enter into Closed Session to consider Item AR02/24-1.

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 and Zaiter.

Councillor(s) Against the Motion: Nil.

Min.650 **AR02/24-1 Notice of Motion to Alter Council Resolution - C12/23-451 Draft Performance Agreement for Cumberland Council General Manager for the Period 1 July 2023 to 30 June 2024**

Pursuant to Notice, Councillors Garrard, Christou and Hughes move that Council alter the below resolution of Council made at the Council Meeting on 6 December adjourned to 13 December 2023 C12/23-451 Draft Performance Agreement for Cumberland Council General Manager for the Period 1 July 2023 to 30 June 2024.

Min.631

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.

MOTION

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 subject to the following inclusions:
 - That the General manager undertake initiatives to improve compliance around illegally parked trucks on residential roads
 - That the town centres cleanliness be improved
 - That customer service performance be improved whereby staff become more accountable to ratepayer requests
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 to alter the resolution of Council made at the Council Meeting on 6 December 2023 and 13 December 2023 (*As resumed from the Council Meeting adjourned on 6 December 2023 – Min. 631*) was declared **LOST**.

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

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

Min.651 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, Cummings, Elmore, Farooqui, Garrard, Hamed, Huang, Hughes, Hussein, Lake, Rahme, Saha and Zaiter.

Councillor(s) Against the Motion: Nil.

On resumption of the public meeting at 9:58pm, the Mayor, Councillor Lake read out the resolution made in Closed Session.

Note: Councillor Sarkis was not recalled to the meeting following him exiting the Chamber due to a declaration of interest made earlier in the meeting, being for Item C02/24-458 Draft Pendle Hill Town Centre Public Domain Plan - Post Exhibition.

Other/General Business

Nil

The Mayor, Councillor Lake closed the meeting at 9:59pm.

Chairperson 