
Minutes of the Council Meeting 11 December 2024

Present:

Councillors

Ola Hamed (Mayor)	Councillor
Michael Zaiter (Deputy Mayor)	Councillor
Steve Christou	Councillor
Dr Diane Colman	Councillor
Glenn Elmore	Councillor
Paul Garrard	Councillor
Helen Hughes	Councillor
Nadima Kafrouni-Saba	Councillor
Ahmed Ouf	Councillor (arrived 6:04pm)
Joseph Rahme	Councillor
Suman Saha	Councillor (Via Audio-Visual Link)
Eddy Sarkis	Councillor (arrived 6:04pm)
Sujan Selventhiran	Councillor (arrived 6:14pm)
Steve Yang	Councillor
Enver Yasar	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
Carol Karaki	Manager Governance
Colin McFadzean	General Counsel
Lyndall Thompson	Senior Governance and Civic Events Officer
Pamela MacIntyre	Governance Officer

The Mayor, Councillor Hamed declared the meeting open at 6:03pm.

Opening Prayer

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

Acknowledgement of Country

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

Min.848 Apologies / Requests for Leave of Absence/ Requests for Attendance by Audio-Visual Link

Motion (Sarkis/Zaiter)

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

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

Councillor(s) For the Motion: Christou, Colman, Elmore, Garrard, Hamed, Hughes, Kafrouni-Saba, Ouf, Rahme, Saha, Sarkis, Yang, Yasar and Zaiter.

Councillor(s) Against the Motion: Nil.

Notice of Live Streaming of Council Meeting

The Mayor, Councillor Hamed 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.849 C12/24-35 Minutes of the Ordinary Meeting of Council - 13 November 2024

Motion (Sarkis/Elmore)

That Council confirm the minutes of the Ordinary Meeting of Council held on 13 November 2024.

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

Councillor(s) For the Motion: Christou, Colman, Elmore, Garrard, Hamed, Hughes, Kafrouni-Saba, Ouf, Rahme, Saha, Sarkis, Yang, Yasar and Zaiter.

Councillor(s) Against the Motion: Nil.

Declarations of Pecuniary & Non Pecuniary Conflicts of Interest

The General Manager declared a Significant, Non Pecuniary Interest in relation to Item C12/24-36 - Nomination of Third Panel Member to undertake the review of the Performance of the General Manager as the item directly related to his employment. As such, the General Manager indicated that he would exit the Chamber upon consideration of this item.

Min.850 Mayoral Minute - 10th Anniversary of the death of Phil Hughes

Motion (Hamed)

That Council:

1. Notes with great sadness the 10th Anniversary since the tragic passing of Phillip Joel Hughes; and
2. Observe a minute of silence in honour of the life of Phil Hughes.
3. Provide a copy of this Mayoral Minute to the Hughes Family.

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

Councillor(s) For the Motion: Christou, Colman, Elmore, Garrard, Hamed, Hughes, Kafrouni-Saba, Ouf, Rahme, Saha, Sarkis, Selventhiran, Yang, Yasar and Zaiter.

Councillor(s) Against the Motion: Nil.

Councillor Saha left the Meeting at 6:14pm and returned at 6:23pm during the consideration of this item.

Councillor Selventhiran entered the Chamber at 6:14pm during the consideration of this item.

Min.851 Mayoral Minute - Merry Christmas and Happy New Year to Staff and the Community

Motion (Hamed)

That Council note the Mayoral Minute, thank the Council staff and wish them and the community a Merry Christmas and Happy New Year.

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

Councillor(s) For the Motion: Christou, Colman, Elmore, Garrard, Hamed, Hughes, Kafrouni-Saba, Ouf, Rahme, Saha, Sarkis, Selventhiran, Yang, Yasar and Zaiter.

Councillor(s) Against the Motion: Nil.

Councillor Saha left the Meeting at 6:23pm and returned at 6:31pm during the consideration of this item.

Councillor Saha left the Meeting at 6:33pm and returned at 6:34pm during the consideration of this item.

Public Forum:

Speakers on Items on the Council Meeting Agenda

Speaker	Item #	Suburb
Mr Mohamed Dahir Hassan	AR12/24-1 - Notice of Rescission - C11/24-11 Draft Code of Meeting Practice and Draft Councillor Expenses and Facilities Policy	Lidcombe
Mr Richard Maguire	AR12/24-1 - Notice of Rescission - C11/24-11 Draft Code of Meeting Practice and Draft Councillor Expenses and Facilities Policy	Wentworthville

Councillor Saha left the Meeting at 6:35pm during Public Forum.

Min.852 Alteration of Order of Business

Motion (Elmore/Zaiter)

That in accordance with Clause 8.2 of the Code of Meeting Practice, Council alter the order of business to allow item AR12/24-1 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, Elmore, Garrard, Hamed, Hughes, Kafrouni-Saba, Ouf, Rahme, Sarkis, Selventhiran, Yang, Yasar and Zaiter.

Councillor(s) Against the Motion: Nil.

Min.853 AR12/24-1 Notice of Rescission - C11/24-11 Draft Code of Meeting Practice and Draft Councillor Expenses and Facilities Policy**Motion (Christou/Garrard)**

Pursuant to Notice, Councillors Christou, Garrard and Sarkis move that Council rescinds the resolution relating to C11/24-11 Draft Code of Meeting Practice and Draft Councillor Expenses and Facilities Policy. A copy of the resolution is shown below:

That Council:

1. Endorse the *Draft Code of Meeting Practice and Draft Councillor Expenses and Facilities Policy* being placed on public exhibition for a period of 28 days.
2. Note that a 42 day submission period will be in place for the *Draft Code of Meeting Practice*, in accordance with Section 361 of the *Local Government Act 1993*; and
3. Receive a report following the conclusion of the exhibition period, detailing the results of the consultation process, and the final documents recommended for Council's adoption.

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

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

Councillor(s) Against the Motion: Colman, Elmore, Hamed, Kafrouni-Saba, Rahme, Saha, Selventhiran, Yang, Yasar and Zaiter.

Councillor Saha left the Meeting at 7:13pm and returned at 7:19pm during the consideration of this item.

Councillor Ouf left the Meeting at 7:14pm and returned at 7:16pm during the consideration of this item.

Min.854 Items Resolved by Exception**Motion (Sarkis/Zaiter)**

That Council adopt items C12/24-37, C12/24-38, C12/24-39 and C12/24-42 on the Council Agenda as per the recommendations in the report.

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

Councillor(s) For the Motion: Christou, Colman, Elmore, Garrard, Hamed, Hughes, Kafrouni-Saba, Ouf, Rahme, Sarkis, Selventhiran, Yang, Yasar and Zaiter.

Councillor(s) Against the Motion: Nil.

Councillor Saha left the Meeting at 7:20pm during the consideration of this item.

C12/24-37 Investment Report - October 2024

Resolved by Exception

That Council receive the October 2024 Investment Report.

C12/24-38 Response to Notice of Motion - Dellwood Shopping Centre Condition

Resolved by Exception

That Council note the report.

C12/24-39 Legal Report

Resolved by Exception

That the report be received.

C12/24-42 Audit, Risk and Improvement Committee - Draft Minutes of Meeting held on 5 November 2024

Resolved by Exception

That Council receive the Draft Minutes of the Audit, Risk and Improvement Committee meeting held on 5 November 2024.

Min.855 C12/24-36 Nomination of Third Panel Member to undertake the review of the Performance of the General Manager

Note: The General Manager exited the Chamber prior to the consideration of this item at 7:21pm and returned to the Chamber following the consideration of this item at 7:22pm, as he had declared a Significant Non Pecuniary Interest in this item.

Motion (Zaiter/Elmore)

That Council nominate Councillor Sarkis as the third panel member to form the Review Panel, to develop the General Manager's Performance Agreement for the period from 1 July 2024 to 30 June 2025 and to conduct the review of the General Manager's performance review for the same period, as per the *Procedure for the Review of the Performance of the General Manager*.

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

Councillor(s) For the Motion: Christou, Colman, Elmore, Garrard, Hamed, Hughes, Kafrouni-Saba, Ouf, Rahme, Saha, Sarkis, Selventhiran, Yang, Yasar and Zaiter.

Councillor(s) Against the Motion: Nil.

Councillor Saha returned to the Meeting at 7:21pm during the consideration of this item.

Min.856 C12/24-40 Response to Notice of Motion - Auburn Gardens and Progress Park - Toilet Facility Condition

Motion (Garrard/Sarkis)

That Council note the report.

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

Councillor(s) For the Motion: Christou, Colman, Elmore, Garrard, Hamed, Hughes, Kafrouni-Saba, Ouf, Rahme, Saha, Sarkis, Selventhiran, Yang, Yasar and Zaiter.

Councillor(s) Against the Motion: Nil.

Councillor Saha left the Meeting at 7:23pm and returned at 7:26pm during the consideration of this item.

Min.857 C12/24-41 Draft Annual Financial Statements 2023/24

Motion (Colman/Sarkis)

That Council:

1. Pursuant to the provisions of Section 413(2)(c) of the *Local Government Act 1993* and Section 215 of the *Local Government (General) Regulations 2021*, note the following in respect to the Annual Financial Statements for the financial year ending 30 June 2024:
 - a) Have been prepared in accordance with:
 - the *Local Government Act 1993* (as amended) and the Regulations made there under;
 - the *Australian Accounting Standards* and other pronouncements of the Australian Accounting Standards Board;
 - the Local Government Code of Accounting Practice and Financial Reporting
 - b) Present fairly Council's operating results and financial position.
 - c) Accord with Council's accounting and other records,
 - d) Signatories are not aware of anything that would make these Statements false or misleading in any way.

2. Pursuant with Section 413(2)(c) of the *Local Government Act 1993*, and Section 215(1)(b) of the *Local Government (General) Regulations 2021*, authorise the Mayor, Deputy Mayor, General Manager, and the Responsible Accounting Officer to sign the 'Statements by Councillors and Management' for the General Purpose and Special Purpose Financial Statements which must then accompany these Financial Statements.

Amendment (Garrard/Hughes)

Add a point 3 as follows:

3. Workshop the Financial Statements at the February 2025 Councillor workshop for a maximum of 2 hours.

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 Council:

1. Pursuant to the provisions of Section 413(2)(c) of the *Local Government Act 1993* and Section 215 of the *Local Government (General) Regulations 2021*, note the following in respect to the Annual Financial Statements for the financial year ending 30 June 2024:
 - a) Have been prepared in accordance with:
 - the *Local Government Act 1993* (as amended) and the Regulations made there under;
 - the *Australian Accounting Standards* and other pronouncements of the Australian Accounting Standards Board;
 - the Local Government Code of Accounting Practice and Financial Reporting
 - b) Present fairly Council's operating results and financial position.
 - c) Accord with Council's accounting and other records,
 - d) Signatories are not aware of anything that would make these Statements false or misleading in any way.
2. Pursuant with Section 413(2)(c) of the *Local Government Act 1993*, and Section 215(1)(b) of the *Local Government (General) Regulations 2021*, authorise the Mayor, Deputy Mayor, General Manager, and the Responsible Accounting Officer to sign the 'Statements by Councillors and Management' for the General Purpose and Special Purpose Financial Statements which must then accompany these Financial Statements.
3. Workshop the Financial Statements at the February 2025 Councillor workshop for a maximum of 2 hours.

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

Councillor(s) For the Motion: Christou, Colman, Elmore, Garrard, Hamed, Hughes, Kafrouni-Saba, Ouf, Rahme, Saha, Sarkis, Yang, Yasar and Zaiter.

Councillor(s) Against the Motion: Nil.

Councillor Saha left the Meeting at 7:26pm and returned at 7:54pm during the consideration of this item.

Councillor Selventhiran left the Meeting at 7:33pm during the consideration of this item.

Councillor Sarkis left the Meeting at 7:38pm and returned at 7:38pm during the consideration of this item.

Councillor Sarkis left the Meeting at 7:40pm and returned at 7:49pm during the consideration of this item.

Councillor Ouf left the Meeting at 7:42pm and returned at 7:49pm during the consideration of this item.

Councillor Rahme left the Meeting at 7:49pm and returned at 7:50pm during the consideration of this item.

Councillor Rahme left the Meeting at 7:50pm and returned at 7:53pm during the consideration of this item.

Min.858 C12/24-43 Property Committee - Minutes of Meeting held 2 December 2024

Motion (Sarkis/Ouf)

That Council:

1. Receive the Minutes of the Cumberland Property Committee meeting held on 2 December 2024, and adopt the recommendations contained therein with the exception of items PC031/24 and PC035/24 which will be dealt with separately.
2. Include a copy of the resolutions of Council in the Minutes.

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

Councillor(s) For the Motion: Christou, Colman, Elmore, Garrard, Hamed, Hughes, Kafrouni-Saba, Ouf, Rahme, Sarkis, Yang, Yasar and Zaiter.

Councillor(s) Against the Motion: Nil.

Councillor Saha left the Meeting at 7:54pm during the consideration of this item.

Min.859 Closed Session

At this stage of the meeting being 7:59pm, the Mayor advised that in accordance with Section 10A(2) of the *Local Government Act 1993*, it is proposed to move into Closed Session to consider the following remaining items from the Property Committee Minutes:

PC031/24 - Tender Evaluation Report – Appointment of Agency for Property Sale, Merrylands and Item PC035/24 - Outcome of Tender for Lease - Former Oriole Park Site - Tavistock Street, Auburn as the items contain the following:

(2)(d)(i) – information involves commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

Motion (Rahme/Yang)

That in accordance with S.10A(2) (d)(i) of the *Local Government Act 1993*, Council enter into Closed Session to determine Items PC031/24 and PC035/24 within Item C12/24-43 Property Committee - Minutes of Meeting held 2 December 2024.

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

Councillor(s) For the Motion: Christou, Colman, Elmore, Garrard, Hamed, Hughes, Kafrouni-Saba, Ouf, Rahme, Sarkis, Yang, Yasar and Zaiter.

Councillor(s) Against the Motion: Nil.

Min.860 Item PC031/24 - Tender Evaluation Report – Appointment of Agency for Property Sale, Merrylands**Motion (Elmore/Zaiter)**

That Council:

1. Accept the Tender Evaluation Panel's recommendation to award the contract to Jones Lang Lasalle NSW Pty Ltd (ABN 37 002 851 925) in accordance with section 178(1)(a) of the *Local Government (General) Regulation 2021*, for an estimated cost of \$227,254.11 ex GST.
2. Delegate authority to the General Manager to:
 - a) Commence a public sale process for the disposal of the land subject of the report, subject to a further independent valuation report being obtained to inform the reserve price prior; and
 - b) Call an Extraordinary Property Committee meeting to seek Council's determination on the best offer(s) received following the public EOI sale process.

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

Councillor(s) For the Motion: Christou, Colman, Elmore, Garrard, Hamed, Hughes, Kafrouni-Saba, Ouf, Rahme, Sarkis, Selventhiran, Yang, Yasar and Zaiter.

Councillor(s) Against the Motion: Nil.

Councillor Selventhiran returned to the Meeting at 8:01pm during the consideration of this item.

Min.861 Item PC035/24 - Outcome of Tender for Lease - Former Oriole Park Site - Tavistock Street, Auburn

Motion (Yasar/Ouf)

That Council:

1. Decline to accept all tenders in accordance with Section 178(1)(b) of the *Local Government (General) Regulation 2021*. In accordance with Section 178(4)(a) of the *Local Government (General) Regulation 2021*, Council's reasons for declining to invite fresh tenders or applications is that a new contest is unlikely to produce better results.
2. In accordance with Section 178 (3)(e) of the *Local Government (General) Regulation 2021*, resolve to enter into negotiations with ISRA Islamic Sciences and Research Academy Limited (ABN 78 496 721 249). Council's reasons for determining to enter into negotiations is to establish a further detailed proposal that includes a best and final offer to ensure the proposal provides long term community benefit to Council and the community.
3. Receive the outcome of negotiations at a future Property Committee meeting for consideration and determination.

ADJOURNMENT

8:58pm The Mayor, Councillor Hamed adjourned the meeting during closed session in accordance with Clause 15.13 of the *Code of Meeting Practice*.

9:12pm The Mayor, Councillor Hamed resumed the meeting in closed session.

Debate subsequently resumed on the above Motion.

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

Councillor(s) For the Motion: Colman, Elmore, Hamed, Kafrouni-Saba, Ouf, Saha, Selventhiran, Yang, Yasar and Zaiter.

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

Councillor Saha returned to the Meeting at 8:14pm during the consideration of this item.

Min.862 Open Session

Motion (Colman/Kafrouni-Saba)

That Council resume the public meeting.

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

Councillor(s) For the Motion: Christou, Colman, Elmore, Garrard, Hamed, Hughes, Kafrouni-Saba, Ouf, Rahme, Saha, Sarkis, Selventhiran, Yang, Yasar and Zaiter.

Councillor(s) Against the Motion: Nil.

On resumption of the public meeting at 9:12pm, the Mayor, Councillor Hamed read out the resolutions made in Closed Session.

Min.863 C12/24-44 Notice of Motion - Peter Hislop Park Lighting Upgrade

Motion (Christou/Yang)

That Council as part of the 2025/26 budget development process, consider allocation of funding for the upgrade of field lighting at Peter Hislop Park located at Everley Street Auburn.

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

Councillor(s) For the Motion: Christou, Colman, Elmore, Garrard, Hamed, Hughes, Kafrouni-Saba, Ouf, Rahme, Saha, Sarkis, Selventhiran, Yang, Yasar and Zaiter.

Councillor(s) Against the Motion: Nil.

Councillor Saha returned to the Meeting at 9:16pm during the consideration of this item.

Councillor Saha left the meeting at 9:17pm and returned at 9:21pm during the consideration of this item.

Min.864 C12/24-45 Notice of Motion - Traffic Calming Devices on Whalans Road, Greystanes

Motion (Sarkis/Kafrouni-Saba)

That Council:

1. Investigate as a priority the installation of traffic calming devices on Whalans Road, Greystanes; and
2. Refer the matter to the Traffic Committee for consideration.

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

Councillor(s) For the Motion: Christou, Colman, Elmore, Garrard, Hamed, Hughes, Kafrouni-Saba, Ouf, Rahme, Sarkis, Selventhiran, Yang, Yasar and Zaiter.

Councillor(s) Against the Motion: Nil.

Councillor Saha left the Meeting at 9:22pm during the consideration of this item and did not return.

Min.865 C12/24-46 Notice of Motion - Local Government Amendment (De-amalgamations) Bill 2024

Motion (Zaiter/Rahme)

That in light of recent changes to the *Local Government Act 1993* arising of the *Local Government De-amalgamations Bill 2024* being passed, the General Manager prepare a report detailing the changes that have been made to the *Local Government Act 1993*, and how this differs from the previous legislation.

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

Councillor(s) For the Motion: Christou, Colman, Elmore, Garrard, Hamed, Hughes, Kafrouni-Saba, Ouf, Rahme, Sarkis, Selventhiran, Yang, Yasar and Zaiter.

Councillor(s) Against the Motion: Nil.

The Mayor, Councillor Hamed closed the meeting at 9:27pm.

Chairperson_____

Appendix 1 Resolutions of the Council following consideration of the recommendations of the Property Committee Meeting held at Merrylands Administration Building, 16 Memorial Avenue, Merrylands NSW 2160 on Monday 2 December 2024.

Council received the Minutes of the Property Committee held on 22 April 2024 and adopted the recommendations with the exception of items PC031/24 and PC035/24 which were resolved by Council separately. The resolutions of Council are below.

ITEM PC032/24 - Update on Committee Resolutions

RESOLVED

That Council receive the status update on Committee resolutions.

ITEM PC033/24 - Update on General Property Leases/Transactions

RESOLVED

That Council receive and note the update.

ITEM PC034/24 - Outcome of Tender for Lease - 27 Monitor Road, Merrylands

RESOLVED

That Council:

1. Decline to accept all tenders in accordance with Section 178(1)(b) of the *Local Government (General) Regulation 2021*. In accordance with Section 178(4)(a) of the *Local Government (General) Regulation 2021*, Council's reasons for declining to invite fresh tenders or applications is that a new contest is unlikely to produce better results.
2. In accordance with Section 178(3)(e) of the *Local Government (General) Regulation 2021*, resolve to enter into negotiations with Barnardos Australia (ABN 18 068 557 906). Council's reasons for determining to enter into negotiations is to establish a solution that includes a best and final offer to ensure that a lease agreement will provide long term community benefit and appropriate rental return for Council.
3. Receive an update on the outcome of the above negotiations at a future Property Committee meeting for consideration.

ITEM PC036/24 - Proposed Granting of Drainage Easement - 18 Monterey Street, South Wentworthville Council Reserve (Monterey Street Park)

RESOLVED

That Council in accordance with Section 46 of the *Local Government Act 1993*, approve the creation of an easement in favour of the property located at 18 Monterey Street,

South Wentworthville NSW 2145 (Lot 538 in DP11653), to permit the legal disposal of stormwater through Council's Reserve (Monterey Street Park, Lot 1 in DP1037917) subject to:

- a) an independent valuation report being obtained;
- b) the final easement location and design being in accordance with the expert advice of Council's Engineering Team;
- c) completion of the required 28 day public notification period in accordance with *Section 47 of the Local Government Act 1993; and*
- d) all associated costs including easement compensation to be paid by the applicant.

ITEM PC037/24 - Further Update - Land Dedication, Closure & Sale of Commercial Lane (off Baker Street), Merrylands

RESOLVED

That Council delegate authority to the General Manager to:

1. Finalise the sale of Commercial Lane (Off Baker Street) Merrylands (Lot 100 in Deposited Plan 1298824) following the public sale process undertaken, in accordance with independent valuation advice; and
2. Execute the documentation to complete the sale.

ITEM PC038/24 - Verbal Update on General & Strategic Property Matters

RESOLVED

That Council receive the update.