
Minutes of the Council Meeting 01 November 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
Kun Huang	Councillor
Helen Hughes	Councillor
Mohamad Hussein	Councillor
Joseph Rahme	Councillor (arrived 6:35pm)
Suman Saha	Councillor
Eddy Sarkis	Councillor (via Audio-Visual Link – joined 7:04pm)
Michael Zaiter	Councillor (via Audio-Visual Link – joined 6:37pm)

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	Governance Officer

The Mayor, Councillor Lake declared the meeting open at 6:30pm.

Opening Prayer

The opening prayer was read by Rev. Bruce Hanke from Wentworthville 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.573 Apologies / Requests for Leave of Absence/ Requests for Attendance by Audio-Visual Link

Motion (Colman/Farooqui)

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 being overseas.

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

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

Councillor(s) Against the Motion: Nil.

Min.574

Motion (Farooqui/Hussein)

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

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

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

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.575 C11/23-410 Minutes of the Ordinary Meeting of Council - 18 October 2023

Motion (Hughes/Christou)

That Council confirm the minutes of the Ordinary Meeting of Council held on 18 October 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 and Saha.

Councillor(s) Against the Motion: Nil.

Declarations of Pecuniary & Non Pecuniary Conflicts of Interest

There were no declarations of interest.

Public Forum

Nil.

Request for Adjournment – Prayer Break

The Mayor, Councillor Lake advised that she was in receipt of a request for a prayer break adjournment at 7:20pm. 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 7:20pm to allow Councillors to pray.

Min.576 Alteration of Order of Business**Motion (Colman/Elmore)**

That in accordance with Clause 8.2 of the *Code of Meeting Practice*, Council alter the order of business to allow Item C11/23-412 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 and Saha.

Councillor(s) Against the Motion: Nil.

Min.577 C11/23-412 Audit, Risk & Improvement Committee - Chairperson's Annual Report 2022/23

Note: The Chairperson of the Audit, Risk & Improvement Committee, Mr Mark Sercombe presented to Council in relation to this item.

Motion (Elmore/Zaiter)

That Council receive the Audit, Risk and Improvement Committee Chairperson's Annual Report.

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.

Councillor Zaiter joined the Meeting at 6:37pm during the consideration of this item.

Min.578 Items Resolved by Exception**Motion (Christou/Cummings)**

That Council adopt items C11/23-411, C11/23-413, C11/23-414, C11/23-418 and C11/23-421, 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, Cummings, Elmore, Farooqui, Garrard, Hamed, Huang, Hughes, Hussein, Lake, Rahme, Saha and Zaiter.

Councillor(s) Against the Motion: Nil.

C11/23-411 Legal Report***Resolved by Exception***

That the report be received.

C11/23-413 Review of Data Breach Response Policy***Resolved by Exception***

That Council place the *Draft Data Breach Response Policy* on public exhibition for a period of 28 days, and subsequently adopt the Policy should no adverse submissions be received.

C11/23-414 Review and Adoption of the Public Interest Disclosures Policy***Resolved by Exception***

That Council:

1. Adopt the *Public Interest Disclosures Policy* as outlined in Attachment 1 to this report.
2. Undertake a community awareness campaign in relation to Council's reviewed *Public Interest Disclosures Policy* and good governance approach to Public Interest Disclosures.

C11/23-418 Report on Variations for Development Standards Approved Under Delegation - July to September 2023 Quarter***Resolved by Exception***

That Council receive and note this report.

C11/23-421 Extraordinary Cumberland Local Traffic Committee - Minutes of 18 October 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 Extraordinary meeting of 18 October 2023, as provided in Attachment 1.
2. Receive and note the minutes of the Cumberland Local Traffic Committee Extraordinary meeting held on 18 October 2023, as provided in Attachment 2.

Min.579 C11/23-415 Additional funds to undertake road repairs following recent weather events - Progress Update**Motion (Colman/Hughes)**

That Council:

1. Note this report; and
2. Approve the expenditure of the \$220,813 remaining from the Infrastructure Reserve allocation to complete heavy patching work.

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.

Councillor Rahme left the Meeting at 6:56pm and returned to the Meeting at 7:00pm during the consideration of this item.

Min.580 C11/23-416 Draft Smart Places Strategy and Action Plan - Post Exhibition

Motion (Saha/Huang)

That Council adopt the Smart Places Strategy and Action Plan as provided in Attachment 1.

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 Sarkis joined the Meeting at 7:04pm during the consideration of this item.

Councillor Christou left the Meeting at 7:04m and returned to the Meeting at 7:06pm during the consideration of this item.

Councillor Sarkis left the Meeting at 7:05pm and returned to the Meeting at 7:06pm during the consideration of this item.

Councillor Rahme left the Meeting at 7:18pm during the consideration of this item.

ADJOURNMENT

7:22pm The Mayor, Councillor Lake adjourned the meeting in accordance with Clause 5.8 of the *Code of Meeting Practice*.

7:32pm The Mayor, Councillor Lake resumed the meeting.

Councillor Rahme returned to the Meeting upon its resumption at 7:23pm.

**Min.581 C11/23-417 245-247 Great Western Highway, South Wentworthville
-Planning Proposal, Site-Specific Development Control Plan and
Revised Public Benefit Offer****Motion (Colman/Hamed)**

That Council:

1. Adopt the exhibited planning controls for 245-247 Great Western Highway, South Wentworthville, as previously resolved by Council and following a Gateway Determination, for a local provision to the Cumberland Local Environmental Plan as follows:
 - a. Allow a proposed Height of Building control on the western part of the site where the proposed 4 and 6 storey hotel or motel development is to be located to be maximum of 27 metres (including lift/plant).
 - b. Allow a proposed Floor Space Ratio (FSR) control of 1:1 be applied to entire site (Lot 100 and DP 878926) in response to the proposal.
 - c. Identify and apply a 'restaurant or café' use as an additional permitted use on the existing Wattles heritage house located on the eastern part of the site by amending Schedule 1 – Additional Permitted Uses of the Cumberland LEP 2021.
 - d. Identify and apply a 'hotel or motel accommodation' use (not exceeding 76 hotel/motel rooms and a gross floor area of 3,040m²) and other ancillary hotel/motel facilities, including roof top outdoor dining, as additional permitted uses on the western part of the site by amending Schedule 1 – Additional Permitted Uses of the Cumberland LEP 2021.
2. Once endorsed, finalise the planning proposal for 245-247 Great Western Highway, South Wentworthville as delegated by the Minister, following execution of the Voluntary Planning Agreement and registration on title.
3. Note that the Local Environmental Plan amendment will be published on the New South Wales legislation website and in the Government Gazette upon finalisation.
4. Adopt the site-specific Development Control Plan as an amendment to the Cumberland Development Control Plan 2021, as provided in Attachment 2, with the Development Control Plan coming into effect on the date of notification (gazettal) of the Local Environmental Plan amendment.
5. Delegate to the General Manager the authority to make minor, non-policy corrections or formatting changes to the draft Development Control Plan controls, if required, prior to it coming into effect.
6. Endorse in-principle the revised public benefit offer from the Proponent for 245-247 Great Western Highway, South Wentworthville, as outlined in this report.
7. Endorse and delegate authority for the General Manager to prepare a draft Voluntary Planning Agreement for 245-247 Great Western Highway, South Wentworthville, in accordance with the revised public benefit offer, and to exhibit the draft Voluntary Planning Agreement for 28 days in accordance with statutory and policy requirements.
8. Endorse and delegate authority for the General Manager to finalise the Voluntary Planning Agreement for 245-247 Great Western Highway, South Wentworthville,

subject to no significant objections on the Agreement being received during exhibition.

9. Endorse and delegate authority for the Mayor and General Manager to execute the Voluntary Planning Agreement on behalf of Council for 245- 247 Great Western Highway, South Wentworthville, subject to no significant objections on the Agreement being received during exhibition.

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 Sarkis.

Councillor(s) Against the Motion: Nil.

Councillor Saha returned to the Meeting following the adjournment at 7:33pm during the consideration of this item.

Councillor Hussein returned to the Meeting following the adjournment at 7:34pm during the consideration of this item.

Councillor Elmore returned to the Meeting following the adjournment at 7:34pm during the consideration of this item.

Min.582 C11/23-419 Code of Conduct - Statistical Report 1 September 2022 to 31 August 2023

Motion (Christou/Rahme)

That Council:

1. Note the Statistical Report on Code of Conduct Complaints relating to Councillors and the General Manager for the period 1 September 2022 to 31 August 2023.
2. Note that the amount spent on Code of Conduct Complaints is extremely wasteful and can be better spent on community improvements.
3. Commit to compliance with the Code of Conduct.
4. Note that Councillors should demonstrate better behaviour and courtesy towards one another serving the interests of the community.
5. Receive a report benchmarking Council in comparison to other Councils in relation to Code of Conduct complaint expenditure.

Amendment (Elmore/Farooqui)

That points 2-5 be omitted.

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

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

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