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## Minutes of the Council Meeting 4 March 2020

### Meeting commenced at 6:30pm

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#### Present:

Steve Christou (Mayor)	Councillor
Eddy Sarkis (Deputy Mayor)	Councillor (arrived 6:38pm)
Ned Attie	Councillor (arrived 6:38pm)
George Campbell	Councillor
Greg Cummings	Councillor
Glenn Elmore	Councillor
Paul Garrard	Councillor
Ola Hamed	Councillor
Kun Huang	Councillor
Lisa Lake	Councillor
Joseph Rahme	Councillor (arrived 6:37pm)
Suman Saha	Councillor
Michael Zaiter	Councillor
Tom Zreika	Councillor
Hamish McNulty	General Manager
Melissa Attia	Director People & Performance
Daniel Cavallo	Director Environment & Planning
Richard Sheridan	Director Finance & Governance
Brendan Govers	Acting Director Works & Infrastructure

#### Also Present:

Charlie Ayoub	Executive Manager Corporate Services
Colin McFadzean	General Counsel
Carol Karaki	Governance Coordinator
Olivia Shields	Senior Governance Officer

**Note:** In recognition of the annual World Hearing Day, the Mayor welcomed to the Chamber Yasmin Dandachi, Auslan Interpreter.

#### Opening Prayer

The opening prayer was read by Pastor Carly Lewis representing Holroyd Combined Churches.

#### Acknowledgement of Country

The Mayor, Councillor Christou opened the Meeting with 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 Christou asked all of those in attendance to stand for the playing of the Australian National Anthem.

### **Notice of Live Streaming of Council Meeting**

The Mayor, Councillor Christou advised that the Council meeting was being streamed live on Council's website and members of the public must ensure their speech to the Council is respectful and use appropriate language.

### **Min.934 Apologies/Leave of Absence**

#### **Resolved (Garrard/Cummings)**

Note: Councillor Garrard noted that Councillor Sarkis is an apology at this stage of the meeting. Councillor Sarkis later entered the Meeting at 6:38pm.

That the apology tendered on behalf of Councillor Sarkis be accepted.

### **Declarations of Pecuniary & Non Pecuniary Conflicts of Interest**

Councillor Huang declared a significant non-pecuniary interest in item C03/20-393 as he is an Executive Member of the Auburn-Lidcombe Branch of the Labor Party. As such, Councillor Huang exited the Chamber during the consideration of this item.

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### **Confirmation of Minutes**

#### **Min.935 C03/20-381 Minutes of the Ordinary Meeting of Council - 19 February 2020**

#### **Resolved (Garrard/Saha)**

That Council confirm the minutes of the Ordinary Meeting of Council held on 19 February 2020.

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#### **Min.936 MM03/20-23 Mayoral Minute - Formalising Process for the Review of the General Manager's Performance**

#### **Resolved (Christou)**

That:

1. Obtain a report from the Director of People and Performance recommending a procedure by which Council can more regularly and thoroughly assess the performance of the General Manager in addressing the matters outlined above; and
2. Convene the review panel to conduct a half-yearly performance review with the General Manager against the key deliverables for the current review period and that a report be provided back to Council summarising the outcomes of this review.

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**Min.937      MM03/20-24 Mayoral Minute - Cost Saving Measures**

**Resolved (Christou)**

That the nappy allowance be reinstated for staff working in Council's child care centres.

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**Public Forum:**

**Speakers on Items on the Council Meeting Agenda**

Speaker	Item #	Suburb
Mr Paul Esposito	C03/20-389 Response to Notice of Motion - Responsible Pet Ownership Education Program	Girraween
Ms Dianne Dickenson	C03/20-389 Response to Notice of Motion - Responsible Pet Ownership Education Program	Girraween

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**Min.938      Suspension of Standing Orders**

**Resolved (Attie/Saha)**

That in accordance with Clause 8.2 of the Code of Meeting Practice, Council suspend standing orders to allow Item C03/20-389 to be brought forward for consideration at this time of the Meeting.

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**Min.939      C03/20-389 Response to Notice of Motion - Responsible Pet Ownership Education Program**

**Motion (Attie/Sarkis)**

That the matter be deferred pending the outcome of public consultation of the Draft Companion Animals Policy.

**Amendment (Saha/Campbell)**

That Council receive the information contained within this report relating to an expanded Responsible Pet Ownership Education Program, for implementation across the Cumberland City Council area.

The Amendment moved by Councillor Saha seconded by Councillor Campbell on being Put was declared LOST on the casting vote of the Mayor.

A division was called, the result of the division required in accordance with Council's Code of Meeting Practice is as follows:

Councillor(s) For the Amendment:      Campbell, Cummings, Elmore, Hamed, Huang, Lake and Saha.

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

The Motion moved by Councillor Attie seconded by Councillor Sarkis on being Put was declared CARRIED on the casting vote of the Mayor to become the resolution of Council.

A division was called, the result of the division required in accordance with Council's Code of Meeting Practice is as follows:

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

Councillor(s) Against the Motion: Campbell, Cummings, Elmore, Hamed, Huang, Lake and Saha.

Councillor Rahme left the Meeting at 7:31pm and returned to the Meeting at 7:35pm during the consideration of this item.

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**Min.940 Resumption of Standing Orders**

**Resolved (Attie/Sarkis)**

That in accordance with Clause 8.2 of the Code of Meeting Practice, Council resume the normal order of business.

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**Min.941 Items by Exception**

**Resolved (Sarkis/Rahme)**

That Council adopt items C03/20-383, C03/20-385, C03/20-390, C03/20-392 and C03/20-395 on the Council Agenda in bulk as per the recommendations in the reports.

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**Min.942 C03/20-383 Proposed Land Dealing at Victor Brazier Park**

**Resolved (Sarkis/Rahme)**

That Council:

1. Prepare a planning proposal to reclassify a small portion of land through the Local Environmental Plan process and submit the planning proposal to the Department of Planning, Industry and Environment for a Gateway Determination.
2. A further report to be returned to Council regarding the preparation of the planning proposal.

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**Min.943 C03/20-385 Quarterly Crime Prevention Report**

**Resolved (Sarkis/Rahme)**

That the report be received.

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**Min.944 C03/20-390 Draft Companion Animals Policy**

**Resolved (Sarkis/Rahme)**

That Council:

1. Place the Draft Cumberland City Council Companion Animals Policy on public exhibition for a period of 28 days.
2. Receive a further report on submissions received and any amendments proposed, prior to adoption of a Cumberland City Council Companion Animals Policy.

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**Min.945 C03/20-392 Adoption of Environmental Health Strategy**

**Resolved (Sarkis/Rahme)**

That Council adopt the Environmental Health Strategy as attached.

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**Min.946 C03/20-395 Audit, Risk and Improvement Committee - Draft Minutes of Meeting Held on 10 February 2020**

**Resolved (Sarkis/Rahme)**

That Council receive the Draft Minutes of the Audit, Risk and Improvement Committee meetings held on 10 February 2020.

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**Min.947 C03/20-382 Financial Sustainability and Planning Policy**

**Resolved (Garrard/Sarkis)**

That Council readopt the *Financial Sustainability and Planning Policy*.

Councillor Hamed left the Meeting at 7:56pm and returned to the Meeting at 7:59pm during the consideration of this item.

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**C03/20-383 Proposed Land Dealing at Victor Brazier Park**

This item was dealt with earlier in the meeting.

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**Min.948 C03/20-384 Health Infrastructure Proposal for a Paramedic Response Point at 1-3 Peel Street, Holroyd**

**Resolved (Garrard/Sarkis)**

That Council:

1. Endorse in principle the proposal from Health Infrastructure for the construction of a Paramedic Response Point on part of Council owned land at

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1-3 Peel Street, Holroyd.

2. Authorise the General Manager to write to the Minister for Health, outlining the potential constraints for the future of the site.

A division was called, the result of the division required in accordance with Council's Code of Meeting Practice is as follows:

Councillor(s) For the Motion: Attie, Campbell, Christou, Cummings, Elmore, Garrard, Huang, Lake, Rahme, Saha, Sarkis, Zaiter and Zreika.

Councillor(s) Against the Motion: Hamed

Councillor Lake left the Meeting at 8:34pm and returned to the Meeting at 8:36pm during the consideration of this item.

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

Councillor Zaiter left the Meeting at 8:39pm and returned to the Meeting at 8:41pm during the consideration of this item.

Councillor Sarkis left the Meeting at 8:40pm and returned to the Meeting at 8:43pm during the consideration of this item.

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### **C03/20-385 Quarterly Crime Prevention Report**

This item was dealt with earlier in the meeting.

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### **Min.949 C03/20-386 Road Naming Proposal - Margaret Street, Merrylands**

#### **Resolved (Garrard/Sarkis)**

That Council:

1. Endorse the proposed road names of Bolger Close and Donaldson Close for public exhibition; and
2. Proceed with finalisation of these proposed road names with the NSW Geographical Names Board (GNB), following exhibition, subject to no objections being received. If objections are received, a further report will be provided to Council.

A division was called, the result of the division required in accordance with Council's Code of Meeting Practice is as follows:

Councillor(s) For the Motion: Attie, Campbell, Christou, Cummings, Elmore, Garrard, Hamed, Huang, Lake, Rahme, Saha, Sarkis, Zaiter and Zreika.

Councillor(s) Against the Motion: Nil

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**Min.950      C03/20-387 Planning Proposal, Development Control Plan and Voluntary Planning Agreement - 4-12 Railway Street, Lidcombe****Resolved (Attie/Sarkis)**

That Council:

1. Adopt the recommended planning controls for 4-12 Railway Street, Lidcombe, as previously resolved by Council, being:
  - a. the existing maximum Floor Space Ratio of 5:1 under Auburn Local Environmental Plan (LEP) 2010 being retained for the B4 zoned part of the subject site, with a minimum of 0.4:1 non-residential Floor Space Ratio to be provided;
  - b. a provision for a bonus Floor Space Ratio of 0.3:1 for a minimum of 0.6:1 non-residential Floor Space Ratio, subject to the dedication of the RE1 zoned land to Council at no cost, and with an offset of section 7.11 contributions in lieu of this land dedication;
  - c. a maximum building height of 45m apply to the site generally, with:
    - i. a taller element up to a maximum of 55m for a limited portion in the north eastern corner of the site to be shown on the LEP Height of Buildings Map; and
    - ii. a maximum building height of 48m for a limited portion of the south eastern corner of the site.
2. Finalise the planning proposal, as delegated by the Minister.
3. Note that this LEP amendment will be published in the Government Gazette upon finalisation.
4. Endorse and delegate authority to the Mayor and General Manager to execute the Voluntary Planning Agreement on behalf of Council for 4-12 Railway Street, Lidcombe, as provided in Attachment 3;
5. Adopt the revised site specific Development Control Plan as an amendment to the Auburn Development Control Plan, as provided in Attachment 2, with the Development Control Plan coming into effect on the date of notification (gazettal) of the LEP amendment;
6. Delegate to the General Manager the authority to make minor, non-policy corrections or formatting changes to the Development Control Plan controls, if required, prior to coming into effect; and
7. Endorse that the site specific Development Control Plan carry over to the new Cumberland Development Control Plan when this is in force.

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A division was called, the result of the division required in accordance with Council's Code of Meeting Practice is as follows:

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

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

Councillor Rahme left the Meeting at 8:45pm and returned to the Meeting at 8:47pm during the consideration of this item.

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**Min.951 C03/20-388 Update on Planning Proposal for the New Cumberland Local Environmental Plan**

**Resolved (Sarkis/Cummings)**

That Council:

1. Note the advice of the Cumberland Local Planning Panel on the planning proposal for the new Cumberland Local Environmental Plan; and
2. Note the status of the Gateway Determination process on the planning proposal for the new Cumberland Local Environmental Plan.

A division was called, the result of the division required in accordance with Council's Code of Meeting Practice is as follows:

Councillor(s) For the Motion: Attie, Campbell, Christou, Cummings, Elmore, Garrard, Hamed, Huang, Lake, Rahme, Saha, Sarkis, Zaiter and Zreika.

Councillor(s) Against the Motion: Nil

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**C03/20-389 Response to Notice of Motion - Responsible Pet Ownership Education Program**

This item was dealt with earlier in the meeting.

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**C03/20-390 Draft Companion Animals Policy**

This item was dealt with earlier in the meeting.

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**Min.952 C03/20-391 Response to Notice of Motion - Dog Parks Granville Area**

**Motion (Rahme/Sarkis)**

That:

1. Council undertake community consultation for Dog Parks in the Granville Area.



2. Pending the outcome of consultation, Council approve the construction of dog off-leash parks at the following locations:  
Kurung Reserve Holroyd  
Elizabeth St Park Guildford  
Granville Park Granville  
Lawson Square Merrylands.
3. The works be incorporated into Council's 2020/2021 Capital Works Program.

**Amendment (Saha/Hamed)**

That:

1. The construction of dog off-leash parks at the following locations is deferred until Council adopts the Companion Animals Policy.
2. Council undertake community consultation to assess the demand and community support for dog off-leash parks at these locations and provide a report back to Council.

The Amendment moved by Councillor Saha seconded by Councillor Hamed on being Put was declared LOST on the casting vote of the Mayor.

A division was called, the result of the division required in accordance with Council's Code of Meeting Practice is as follows:

Councillor(s) For the Amendment: Campbell, Cummings, Elmore, Hamed, Huang, Lake and Saha.

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

The Motion moved by Councillor Rahme seconded by Councillor Sarkis on being Put was declared CARRIED UNANIMOUSLY.

Councillor Cummings left the Meeting at 8:50pm and returned to the Meeting at 8:55pm during the consideration of this item.

Councillor Elmore left the Meeting at 9:07pm and returned to the Meeting at 9:09pm during the consideration of this item.

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**C03/20-392 Adoption of Environmental Health Strategy**

This item was dealt with earlier in the meeting.

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**Min.953 C03/20-393 Response to Matter of Urgency – Distribution of Clean-up of Duck River Political Material**

**Note:** Councillor Huang exited the Chamber at 9:12pm prior to the consideration of this item and returned to the Chamber at 9:42pm following the consideration of this Item as he had declared a significant, non-pecuniary interest in this item.

**Motion (Attie/Sarkis)**

That Council receive and note the report.

**Amendment (Campbell/Hamed)**

That Council:

1. Commends the staff who supplied information to and met with the representatives of the Auburn-Lidcombe Branch of the Labor Party in relation to Duck River and notes that they conducted themselves in a highly professional manner and enhanced the reputation of Council.
2. Condemns the abuse of Council as a platform to launch an attack on a respected community organisation and to make misleading claims and implications, and condemns the use of staff in an attempt to build a case.
3. Congratulates the Auburn-Lidcombe Branch of the Labor Party and Jason Clare MP for contributing to cleaning up the Duck River.

The Amendment moved by Councillor Campbell seconded by Councillor Hamed on being Put was declared LOST.

A division was called, the result of the division required in accordance with Council's Code of Meeting Practice is as follows:

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

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

The Motion moved by Councillor Attie seconded by Councillor Sarkis on being Put was declared CARRIED UNANIMOUSLY.

Councillor Cummings left the Meeting at 9:22pm during the consideration of this item.  
Councillor Saha left the Meeting at 9:30pm and returned to the Meeting at 9:33pm during the consideration of this item.

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**Min.954 Matter of Urgency – Councillor Garrard**

**Resolved (Garrard/Sarkis)**

That in accordance with Clause 9.3(b) of the Cumberland Council Code of Meeting Practice, Standing Orders be suspended to permit the Matter of Urgency in relation to the amendment of the Cumberland Traffic Committee Terms of Reference.

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**Min.955 Matter of Urgency – Cumberland Traffic Committee Terms of Reference**

**Resolved (Garrard/Sarkis)**

That the General Manager report to Council recommending changes to the terms of reference for the Cumberland Traffic Committee to enable the expedient processing of minor traffic matters to enable a more rapid resolution to community issues.

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Councillor Cummings returned to the Meeting at 9:42pm during the consideration of this item.

Councillors Lake and Hamed left the Meeting at 9:52pm during the consideration of this item.

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**Min.956 Resumption of Standing Orders**

**Resolved (Garrard/Sarkis)**

That in accordance with Clause 8.2 of the Code of Meeting Practice, Council resume the normal order of business.

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**Medal of the Order of Australia – Councillor Tom Zreika**

At this time of the Meeting, the Mayor presented Councillor Zreika with a certificate of recognition on behalf of Council as Councillor Zreika had been honoured with the Medal of the Order of Australia over the Australia Day Long Weekend.

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**Min.957 C03/20-394 Cumberland Traffic Committee - Minutes of Meeting held on 5 February 2020**

**Resolved (Rahme/Sarkis)**

That the minutes of the Cumberland Traffic Committee meeting held on 5 February 2020 be received and the recommendations contained therein be approved subject to the following amendments:

- a) CTC 20-003 – That Council install a fence around the reserve to stop children running onto the road.
- b) CTC 20-21 – That Council replace 2021/22 with 2020/21 should this be financially viable.

Councillors Lake and Hamed returned to the Meeting at 9:54pm during the consideration of this item.

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**C03/20-395 Audit, Risk and Improvement Committee - Draft Minutes of Meeting Held on 10 February 2020**

This item was dealt with earlier in the meeting.

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**Min.958 Extension of Council Meeting**

**Resolved (Lake/Saha)**

That the Council Meeting be extended for an additional 30 minutes in accordance with clause 18.2 of the Code of Meeting Practice.

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**Min.959          Closed Session**

**Resolved (Attie/Sarkis)**

At this stage of the meeting being 10:02pm, the Mayor advised that in accordance with Section 10a of the Local Government Act 1993 the meeting would move into Closed Session, with the members of the press and public excluded from the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action was taken as the items listed were within the following provisions under Section 10a of the *Local Government Act*:-

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

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

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**Min.960          Open Session**

**Resolved (Attie/Sarkis)**

Council returned to Open Session at 10:32pm to resolve the below Confidential Item:  
C03/20-396 Budget Savings Initiatives

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**Min.961          C03/20-396 Budget Savings Initiatives**

**Resolved (Attie/Garrard)**

That Council delegate authority to the General Manager to implement the savings and business improvement initiatives, totalling \$6.8m, outlined in this report before 1 July 2020 subject to the following:

- a) Removal of the second dot point on page 667 of the report.
- b) Addition of the words "or exit" to the fifth dot point on page 667 of the report.

The Motion moved by Councillor Attie seconded by Councillor Garrard on being Put was declared CARRIED on the casting vote of the Mayor to become the resolution of Council.

A division was called, the result of the division required in accordance with Council's Code of Meeting Practice is as follows:

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

Councillor(s) Against the Motion:              Campbell, Cummings, Elmore, Hamed,  
Huang, Lake and Saha.

The Mayor, Councillor Christou closed the meeting at 10:34pm.

Chairperson \_\_\_\_\_ General Manager \_\_\_\_\_