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## Minutes of the Council Meeting 07 December 2022

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### Present:

#### Councillors

Lisa Lake (Mayor)	Councillor
Suman Saha (Deputy Mayor)	Councillor
Steve Christou	Councillor
Diane Colman	Councillor
Greg Cummings	Councillor
Glenn Elmore	Councillor
Sabrin Farooqui	Councillor
Paul Garrard	Councillor
Ola Hamed	Councillor
Kun Huang	Councillor (via Audio-Visual Link)
Helen Hughes	Councillor
Mohamad Hussein	Councillor (arrived 7:00pm)
Joseph Rahme	Councillor (arrived 6:34pm)
Eddy Sarkis	Councillor (via Audio-Visual Link)
Michael Zaiter	Councillor

#### Officers

Peter Fitzgerald	General Manager
Daniel Cavallo	Director Environment & Planning/Acting Deputy GM
Brendan Govers	Director City Services
Charlie Ayoub	Acting Director Governance & Risk
Nicole Byrn	Acting Director Community & Culture
Tony Chahine	Acting Director Corporate Performance
Colin McFadzean	General Counsel
Carol Karaki	Senior Coordinator Governance & Civic Events
Bianca Mourched	Governance Officer

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

#### Opening Prayer

The opening prayer was read by Pdt. Jatin Bhatt from Sri Mandir Hindu Temple Auburn.

#### 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.

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### Min.308 Apologies / Requests for Leave of Absence/ Requests for Attendance by Audio Visual Link

#### Motion (Garrard/Cummings)

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 as he is unwell.

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

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

Councillor(s) Against the Motion: Nil.

Councillor Rahme entered the Meeting at 6:34pm during the consideration of this item.

### Min.309

#### Motion (Sarkis/Farooqui)

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 as he is unwell.

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.

### Min.310

#### Motion (Elmore/Cummings)

That in accordance with Clause 5.24 of the Code of Meeting Practice, Council approve the attendance of Councillor Farooqui at the 21 December 2022 Council Meeting via Audio/Visual Link as she will be overseas.

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

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.

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**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.

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**Confirmation of Minutes**

**Min.311 C12/22-212 Minutes of the Ordinary Meeting of Council - 16 November 2022**

**Motion (Cummings/Elmore)**

That Council confirm the minutes of the Ordinary Meeting of Council held on 16 November 2022.

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.

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**Request for Adjournment – Councillor Rahme**

Councillor Rahme requested that the Meeting be adjourned at 9:00pm in accordance with clause 5.8 of the *Code of Meeting Practice* to allow for a prayer break.

The Mayor, Councillor Lake ruled that she will adjourn the Meeting for a period of 15 minutes after the first item that concludes after 9:00pm.

Councillor Garrard requested that he be recorded as opposing the adjournment for a prayer break.

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

Councillor Hughes declared a Less Than Significant, Non-Pecuniary interest in item C12/22-215 as she is a neighbour of one of the houses listed in the report. Councillor Hughes indicated she will be remaining in the Chamber for the consideration of the item.

The Mayor, Councillor Lake acknowledged the General Manager and Council officers for the recent awards Council received:

- 2022 Ministers Awards for Women in Local Government - Employment Diversity - Metro Award
- 2022 Work, Health and Safety Excellence Showcase Champions (Large business – government category)

- Local Government NSW Community Development Award for Covid-19 support hubs.

Councillor Garrard requested that it be noted that Councillor Christou be congratulated as he was Mayor when the submissions were lodged to the appropriate bodies. The Mayor, Councillor Lake advised this would be noted.

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**Min.312      MM12/22-22 Mayoral Minute – Congratulating Graduating Year 6 School Students**

**Motion (Lake)**

That Council:

1. Write to each student finishing year 6 within Cumberland Council, congratulating them on this achievement and wishing them well as they transition to high school; and
2. Offer each graduating student a twin pass to a swimming pool of their choice within the Cumberland Council Local Government Area.

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

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.

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**Min.313      MM12/22-21 Mayoral Minute – Flood Support for Regional NSW**

**Motion (Lake)**

That Council make a donation of \$10,000 to the GIVIT NSW Flood Appeal, funded from the Emergency Relief Fund.

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

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.

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**Min.314 MM12/22-23 Mayoral Minute – Uluru Statement and Voice to Parliament****Motion (Lake)**

That Council:

1. Hears and supports the Aboriginal and Torres Strait Islander peoples calls for the establishment of a First Nations Voice enshrined in the constitution;
2. Supports the call for a constitutional referendum to be held in the current term of Federal Parliament on this matter; and
3. Continues to work with our local constituents, other levels of Government and all Australians to take this step in our shared future.

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

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

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

Councillor Hussein entered the Meeting at 7:00pm during the consideration of this item.

Councillor Rahme left the Meeting at 7:13pm and returned to the Meeting at 7:15pm during the consideration of this item.

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**Min.315 MM12/22-24 Mayoral Minute – Condolences- The Late Muriel Yvette Whitfield****Motion (Lake)**

That Council:

1. Note with sadness the passing of former Holroyd City Council Mayor, Yvette Whitfield; and
2. Observe a minute's silence to honour the life of former Mayor Yvette Whitfield, including her achievements and contributions to the former Holroyd City Council and the wider community.

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.

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**Min.316 Matter of Urgency – Councillor Hughes**

The Mayor ruled that in accordance with Clause 9.3(b) of the *Code of Meeting Practice*, the business raised by Councillor Hughes in relation to Christmas decorations in the Regents Park Ward is business of great urgency that requires a Council decision before the next ordinary meeting of Council.

**Motion (Rahme/Garrard)**

That the business raised by Councillor Hughes concerning Christmas decorations in the Regents Park Ward be considered at this meeting.

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

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

Councillor(s) Against the Motion: Elmore.

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**Min.317 Matter of Urgency – Christmas Decorations in the Regents Park Ward**

**Motion (Hughes/Garrard)**

That:

1. This Chamber expresses its thorough disappointment with Council's performance in providing inadequate Christmas decorations within the commercial shopping areas of the Regents Park Ward.
2. This neglect is further supported by the unkempt nature of the verges, whereby debris lies unattended for weeks and where stormwater pits and gutters become reservoirs crammed with leaves and vegetation.
3. As a matter of urgency, the General Manager instigate an immediate response to these problems and that an action plan be developed to ensure much improved performance 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 Hussein left the Meeting at 7:44pm and returned to the Meeting at 7:46pm during the consideration of this item.

**Public Forum:**

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

<b>Speaker</b>	<b>Item #</b>	<b>Suburb</b>
Ms Alaine Roff	C12/22-214 80 Betty Cuthbert Drive, Lidcombe - Planning Proposal and Development Control Plan	Sydney
Ms Caroline Staples	C12/22-214 80 Betty Cuthbert Drive, Lidcombe - Planning Proposal and Development Control Plan	Lidcombe
Mr Tony Oldfield (via Audio-Visual Link)	C12/22-214 80 Betty Cuthbert Drive, Lidcombe - Planning Proposal and Development Control Plan	Auburn
Ms Nikki Yuen (via Audio-Visual Link)	C12/22-215 Cumberland Heritage Study planning proposal	Auburn
Mr Vinh Trang	C12/22-215 Cumberland Heritage Study planning proposal	Sydney
Ms Angelena Tsui	C12/22-215 Cumberland Heritage Study planning proposal	Berala
Ms Monica Kanaan	C12/22-215 Cumberland Heritage Study planning proposal	Merrylands
Mr Daniel Graham	C12/22-215 Cumberland Heritage Study planning proposal	Wentworthville
Mr Nicholas Abi-Esber	C12/22-215 Cumberland Heritage Study planning proposal	Auburn
Mr James Phillips	C12/22-215 Cumberland Heritage Study planning proposal	Woolloomooloo
Mr Heath Fayad	C12/22-215 Cumberland Heritage Study planning proposal	Granville
Mr Antonio Bonacruz	C12/22-215 Cumberland Heritage Study planning proposal	Auburn
Mr Karthigesu Ratnakumar	C12/22-215 Cumberland Heritage Study planning proposal	Mayshell
Mr Tony Giunta	C12/22-215 Cumberland Heritage Study planning proposal	Lidcombe
Mr Simon Ford	C12/22-215 Cumberland Heritage Study planning proposal	Lidcombe
Mr Phillip Giunta	C12/22-215 Cumberland Heritage Study planning proposal	West Pennant Hills
Mr Roydon Ng	C12/22-216 Parramatta Light Rail - Stage 2 Parramatta to Sydney Olympic Park Submission on the Environmental Impact Statement Potential Extension between Sydney Olympic Park and Lidcombe	Lidcombe
Mr Ian Bell	C12/22-217 Draft Prospect Pipeline Corridor Strategic Masterplan - Post Exhibition Report	Greystanes

Councillor Saha left the Meeting at 8:01pm and returned to the Meeting at 8:04pm during Public Forum.

Councillor Christou left the Meeting at 8:03pm and returned to the Meeting at 8:06pm during Public Forum.

Councillor Farooqui left the Meeting at 8:07pm and returned to the Meeting at 8:13pm during Public Forum.

Councillor Christou left the Meeting at 8:44pm and returned to the Meeting at 8:46pm during Public Forum.

Councillor Huang left the Meeting at 8:46pm and returned to the Meeting at 8:47pm during Public Forum.

Councillor Hussein left the Meeting at 8:46pm and returned to the Meeting at 8:49pm during Public Forum.

Councillor Rahme left the Meeting at 8:58pm and returned to the Meeting at 9:03pm during Public Forum.

Councillor Cummings left the Meeting at 9:12pm and returned to the Meeting at 9:17pm during Public Forum.

Councillor Zaiter left the Meeting at 9:24pm and returned to the Meeting at 9:25pm during Public Forum.

Councillor Huang left the Meeting at 9:31pm and returned to the Meeting at 9:34pm during Public Forum.

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## ADJOURNMENT

**9:36pm** The Mayor, Councillor Lake adjourned the meeting for 15 minutes.

**9:51pm** The Mayor, Councillor Lake resumed the meeting.

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### **Min.318          Alteration of Order of Business**

#### **Motion (Garrard/Cummings)**

That in accordance with Clause 8.2 of the Code of Meeting Practice, Council alter the order of business to allow Items C12/22-214, C12/22-215, C12/22-216 and C12/22-217 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 and Zaiter.

Councillor(s) Against the Motion: Nil.

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**Min.319 C12/22-214 80 Betty Cuthbert Drive, Lidcombe - Planning Proposal and Development Control Plan**

**Motion (Farooqui/Huang)**

That Council:

1. Adopt the exhibited planning controls for 80 Betty Cuthbert Drive, Lidcombe, that seeks to amend the Cumberland Local Environmental Plan 2021 being:
  - a. Rezone the Site from SP2 Hospital to SP2 Educational Establishment, SP2 Hospital, SP2 Drainage and R3 Medium Density Residential.
  - b. Amend the Height of Building control for the site from nil to 9m within the R3 Medium Density Residential zone.
  - c. Amend the Floor Space Ratio control for the site from nil to 0.75:1 within the R3 Medium Density Residential zone.
  - d. Apply existing clause 4.1(3C) and associated mapping to allow maximum subdivision lot sizes between 170sqm and 350sqm on the R3 zoned part of the Site, consistent with Botanica.
2. Endorse that the planning proposal for 80 Betty Cuthbert Drive, Lidcombe, be forwarded to Department of Planning and Environment for plan making and finalisation.
3. Note that the Local Environmental Plan amendment will be published 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 Development Control Plan controls, if required, prior to it coming into effect.
6. Note that the proponent has elected not to enter into a Planning Agreement with Council on the basis that the proposal will deliver a range of public benefits.
7. Writes to the NSW Government seeking a firm commitment to the provision of a new public school.

Councillor Sarkis left the meeting at 9.36pm and returned to the Meeting at 9:57pm during the consideration of this item.

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**Min.320          Extension of Council Meeting****Motion (Cummings/Sarkis)**

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, Rahme, Saha, Sarkis, and Zaiter.

Councillor(s) Against the Motion:                Nil.

Debate then resumed on Item C12/22-214.

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

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

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

During debate, Councillor Christou raised a Point of Order, citing an alleged breach of Clause 15.11 (d) of the *Code of Meeting Practice*, alleging that Councillor Hussein made a personal insult. The Mayor, Councillor Lake ruled against the Point of Order.

During debate, Councillor Elmore raised a Point of Order, citing an alleged breach of Clause 15.11 (d) of the *Code of Meeting Practice* by Councillor Christou. The Mayor, Councillor Lake advised Councillor Christou that he is required to be silent during another Councillors speech, and asked Councillor Elmore to continue his speech.

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**Min.321          C12/22-215 Cumberland Heritage Study Planning Proposal****Motion (Colman/Hussein)**

That Council:

1. Note the status of the Cumberland Heritage Study and preparation of a Cumberland Heritage Study Planning Proposal.
  2. Note the advice of the Cumberland Local Planning Panel on the Cumberland Heritage Study Planning Proposal.
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3. 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).
4. Progress with 24 new heritage items and three new heritage conservation areas as in Table 3b and Table 4 of the report with the exception of item HS54 3 Beatrice St Lidcombe item HS77 Sydney Murugan Temple which are to be omitted.
5. Endorse that the draft planning proposal for the Cumberland Heritage Study as provided in Attachment 5, to be amended based on the above recommendations.
6. Forward the amended draft planning proposal to the Department of Environment and Planning for a Gateway Determination.
7. For new heritage conservation areas:
  - a. Endorse the draft Development Control Plan for the proposed new heritage conservation areas (Attachments 6 to 8).
  - b. Endorse the draft Development Control Plan for the proposed new heritage conservation areas be publicly exhibited in accordance with statutory and policy requirements.
8. Delegate authority to the General Manager to make administrative and mapping changes consistent with the endorsed recommendations.

**Amendment (Saha/Zaiter)**

Omit Point 7 and omit the reference to the three new heritage conservation areas in Point 4.

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/Hussein)**

That Council:

1. Note the status of the Cumberland Heritage Study and preparation of a Cumberland Heritage Study Planning Proposal.
2. Note the advice of the Cumberland Local Planning Panel on the Cumberland Heritage Study Planning Proposal.
3. 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).
4. Progress with 24 new heritage items as in Table 4 of the report with the exception of item HS54 3 Beatrice St Lidcombe & item HS77 Sydney Murugan Temple which are to be omitted.
5. Endorse that the draft planning proposal for the Cumberland Heritage Study as provided in Attachment 5, to be amended based on the above recommendations.
6. Forward the amended draft planning proposal to the Department of Environment and Planning for a Gateway Determination.

7. Delegate authority to the General Manager to make administrative and mapping changes consistent with the endorsed recommendations.

**Amendment (Rahme/Zaiter)**

That Council proceed with option 4.

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

Councillor(s) For the Amendment: Christou, Rahme and Zaiter.

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

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: Elmore and Hamed.

Councillor Garrard left the Meeting at 10:28pm and returned to the Meeting at 10:29pm during the consideration of this item.

Councillor Huang left the Meeting at 10:30pm and returned to the Meeting at 10:31pm during the consideration of this item.

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**AR12/22-2 Notice of Rescission - C11/22-206 Draft Submission on the Six Cities Region Discussion Paper**

This item was withdrawn by Councillors Garrard, Christou and Hughes.

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Prior to the conclusion of the Meeting, the Mayor Councillor Lake deferred the below remaining items on the agenda to the next Ordinary Meeting of Council:

C12/22-213	Western Sydney Wanderers Foundation Sponsorship Evaluation
C12/22-216	Parramatta Light Rail - Stage 2 Parramatta to Sydney Olympic Park Submission on the Environmental Impact Statement and Potential Extension between Sydney Olympic Park and Lidcombe
C12/22-217	Draft Prospect Pipeline Corridor Strategic Masterplan - Post Exhibition Report
C12/22-218	Draft Duck River Parklands Strategic Masterplan - Post Exhibition
C12/22-219	Update on Council's Response to COVID-19

C12/22-220	Code of Conduct - Statistical Report 1 September 2021 to 31 August 2022
C12/22-221	Audit, Risk and Improvement Committee - Draft Minutes of Meeting Held on 7 November 2022
C12/22-223	Notice of Motion - Open Space Playgrounds Sun Exposure
AR12/22-3	Notice of Motion to Alter Council Resolution - C11/22-205 Revisions to Media Policy and Social Media Policy
C12/22-222	Property Committee - Draft Minutes of Meeting Held on 28 November 2022

The Mayor, Councillor Lake closed the meeting at 11:18pm.

Chairperson *L. Lake*      General Manager 