
Minutes of the Council Meeting 15 November 2023

PRESENT

Councillors

Lisa Lake (Mayor)	Councillor
Ola Hamed (Deputy Mayor)	Councillor
Steve Christou	Councillor
Diane Colman	Councillor
Greg Cummings	Councillor
Sabrin Farooqui	Councillor
Paul Garrard	Councillor
Kun Huang	Councillor (via Audio-Visual Link – joined 6:41pm)
Helen Hughes	Councillor
Mohamad Hussein	Councillor (arrived 6:35pm)
Joseph Rahme	Councillor
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
Nicole Byrn	Director Community & Culture
Charlie Ayoub	Director Governance & Risk
Luke Borojevic	Acting Director City Services
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 Pdt. Jatinkumar Bhatt from Sri Mandir 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.

Min.595 Apologies / Requests for Leave of Absence/ Requests for Attendance by Audio-Visual Link

Note: The Mayor, Councillor Lake noted that Councillor Elmore is an apology for this meeting due to travelling.

Motion (Saha/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 due to work commitments.

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

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

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.596 C11/23-430 Minutes of the Ordinary Meeting of Council - 01 November 2023

Motion (Cummings/Saha)

That Council confirm the minutes of the Ordinary Meeting of Council held on 01 November 2023.

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

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

Councillor(s) Against the Motion: Nil.

Declarations of Pecuniary & Non Pecuniary Conflicts of Interest

There were no declarations of interest made at this point of the Meeting.

Request for Adjournment – Prayer Break

The Mayor, Councillor Lake advised that she was in receipt of a request for a prayer break adjournment at 7:40pm. 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 7:40pm to allow Councillors to pray.

Councillor Hussein entered the meeting at 6:35pm during the consideration of this request.

Min.597 MM11/23-43 Mayoral Minute - Slow Down Road Safety Initiative

Motion (Lake)

That **Error! No document variable supplied.:**

1. Implement a Road Safety Community Awareness Campaign across the Local Government Area in the top 5 languages, encouraging Cumberland motorists to slow down when driving, accompanied by educational statistics and key resources; and
2. Promote this campaign via Council's existing communication platforms, Variable Message Signs (VMS) at strategic locations, and relevant community and youth agencies within the Cumberland Local Government Area.
3. Work with both the Auburn and Cumberland Police Area Commands in promoting this campaign and monitoring results.
4. Note there is no additional funding required to implement this campaign which can be delivered within the existing operational budget.

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: Nil.

Councillor Huang joined the meeting at 6:41pm during the consideration of this item.

Public Forum

Nil.

Min.598 Matter of Urgency – Councillor Christou

Note: At this point of the meeting, Councillor Huang declared a less than significant, Non-Pecuniary interest in this matter as he is employed by a Member of Parliament with ministerial responsibility for the matter raised in the motion. Councillor Huang exited the Meeting at 6:51pm and returned to the Meeting following the consideration of this matter at 7:08pm.

In accordance with Clause 9.3(b) of the adopted *Code of Meeting Practice*, the Mayor ruled that the business raised without notice by Councillor Christou in relation to the recent release of 80 detainees into the wider community be heard by Council as a matter of urgency, as it requires a decision by the Council before the next scheduled ordinary meeting.

Motion (Christou/Rahme)

That in accordance with Clause 9.3(a) of the adopted *Code of Meeting Practice*, that the business raised by Councillor Christou in relation to the release of 80 detainees into the wider community be considered.

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

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

Councillor(s) Against the Motion: Nil.

Min.599 Matter of Urgency – Release of 80 detainees into the Wider Community

Motion (Christou/Rahme)

That Council:

1. Write to the Minister for Immigration, Citizenship and Multicultural Affairs, expressing its serious concern at the release of 80 detainees into the wider community.
2. Seek details as to what plan the Federal Government has in place to protect Australian Citizens.
3. Seek assurances as to how the Federal Government plans to monitor these individuals to ensure the safety of Australian Residents.
4. Request a list of suburbs from the Federal Government detailing where these individuals will be housed.

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

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

Councillor(s) Against the Motion: Nil.

Presentation of Annual Financial Statements

At this point of the Meeting, the Mayor invited Mr. Kenneth Leung from the Audit Office of NSW and Mr. James Winter from Grant Thornton to present Council's 2022/23 Annual Financial Statements to Council. The presentation was delivered via audio/visual link.

Councillor Rahme left the Meeting at 7:14pm and returned to the Meeting at 7:16pm during the presentation.

Min.600 Items Resolved by Exception

Note: The Mayor advised that on the advice of the General Manager, item AR11/23-1 Notice of Motion to Alter Council Resolution - C10/23-404 Planning Proposal - 25 South Parade, Auburn was withdrawn by all of the three Councillor signatories to the Motion.

Further, the Mayor advised that in relation to the Annual Report on the agenda, there was an error on pages 95 and 96 of the business paper, with respect to some of the community profile statistics listed in the draft annual report. As such, an amended document was circulated to all Councillors in the Chamber for those pages, and the item would remain on the agenda for consideration.

Motion (Sarkis/Cummings)

That Council adopt items C11/23-431, C11/23-435 and C11/23-436, 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, Farooqui, Garrard, Hamed, Huang, Hughes, Hussein, Lake, Rahme, Saha, Sarkis and Zaiter.

Councillor(s) Against the Motion: Nil.

C11/23-431 Investment Report - October 2023

Resolved by Exception

That Council receive the October 2023 Investment Report.

C11/23-435 Draft Councillor and Staff Interaction Policy

Resolved by Exception

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

C11/23-436 Draft Library Strategy

Resolved by Exception

That Council place the *Draft Cumberland Library Strategy* on public exhibition for a period of 28 days, with a report to be provided back to Council following the conclusion of the exhibition period.

Min.601 C11/23-432 Quarter 1 2023/24 Budget Review Statement

Motion (Christou/Sarkis)

That Council approve the revised estimates of income and expenditure for 2023/24 contained in the Quarterly Budget Review Statement.

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

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: Nil.

During the consideration of this item, Councillor Colman raised a Point of Order, citing an alleged breach of the *Code of the Meeting Practice*, stating that Councillor Christou was required to address Councillors by their surname. The Mayor, Councillor Lake upheld the Point of Order, advising Councillor Christou that he is required to address Councillors by their surname and respectfully, in accordance with the *Code of Meeting Practice*.

ADJOURNMENT

7:49pm The Mayor, Councillor Lake adjourned the meeting in accordance with Clause 5.8 of the *Code of Meeting Practice*.

7:59pm The Mayor, Councillor Lake resumed the meeting.

Min.602 C11/23-433 Annual Report 2022-2023

Motion (Hamed/Saha)

That Council receive the Annual Report 2022-2023.

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: Nil.

Councillor Rahme left the Meeting at 8:00pm and returned at 8:05pm during the consideration of this item.

Councillor Sarkis returned to the Meeting following the adjournment at 8:09pm during the consideration of this item.

Councillor Sarkis left the Meeting at 8:18pm and returned at 8:19pm during the consideration of this item.

Councillor Rahme left the Meeting at 8:18pm and returned at 8:20pm during the consideration of this item.

Min.603 C11/23-434 Adoption of Amended Swim Centre Fees 2023/24 - Post Exhibition

Motion (Christou/Saha)

That Council adopt the 4 amended fees as contained within this report for the 2023/24 financial year.

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: Nil.

Min.604 C11/23-437 Response to Notice of Motion - C03/23-265 Mobile Library Facility, Berala Community and C05/23-303 Library Services

Motion (Hughes/Farooqui)

That Council:

1. Provide further access and opportunity for targeted children's literacy and learning programs run by external providers at Council's Community Centres and where appropriate provide additional Council activities that are currently run at libraries.
2. Provide a library vending machine at Berala Community Centre for trial and continue to review for other locations.

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

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: Nil.

Min.605 C11/23-424 Notice of Motion - Blue Tree Project**Motion (Garrard/Sarkis)**

That Council:

1. Support the Blue Tree Project, by identifying a suitable tree within Council's Woodville and Auburn Golf Courses to paint blue.
2. Donate \$500 to Blue Tree Project.
3. That any costs associated with the implementation of this resolution be funded through Council's operational budget.

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

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

Councillor(s) Against the Motion: Nil.

Councillors Colman, Hamed and Hussein left the Meeting at 8:45pm during the consideration of this item.

Min. 606 C11/23-426 Notice of Motion - Closing the Gap**Motion (Christou/Rahme)**

That Council:

1. Note and acknowledge the recent overwhelming No Vote Result from the Voice to Parliament Referendum.
2. Donate \$10,000 to the Ngaanyatjarra Pitjantatjara Yankunytjatjara Women's Council, known as the NPY Women's Council, funded from the Community Reserve.
3. Request that the General Manager provide a report to a future Council meeting following referral of this matter and consultation of the Cumberland ATSIC, exploring measures that Council can undertake to partner up with an Indigenous organisation or charity, to ascertain the needs of disadvantaged Indigenous communities, and how Council can assist further.
4. Ensure the scope of this report includes details on a potential Council delegation of Elected Councillors and staff wishing to visit a disadvantaged Indigenous Community to better understand their struggles and needs and what can be done to assist their lives.
5. Write to the Minister for Multicultural Affairs and Indigenous Minister seeking support to better understand the needs of the Indigenous community to establish appropriate programs.

The Motion on being Put was declared **LOST** on the casting vote of the Mayor.

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

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

Councillor Hussein returned to the Meeting at 8:50pm during the consideration of this item.

Councillors Colman and Hamed returned to the Meeting at 8:51pm during the consideration of this item.

Min.607 C11/23-427 Notice of Motion - Chinese New Year Event - Granville

Motion (Christou/Rahme)

That Council:

1. Implement an additional event to the existing adopted events program, being a new Chinese Lunar New Year event in Granville.
2. Run a consultation session for key local stakeholders, community organisations and businesses to help inform planning of the event.
3. Fund this new event from the Community Reserve.

The Motion on being Put was declared **LOST** on the casting vote of the Mayor.

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

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

Min.608 C11/23-428 Notice of Motion - Gender Reassignment Leave Entitlements

Motion (Christou/Garrard)

That Council:

1. Express its dissatisfaction to recent media reports indicating that another Council wishes to seek the support of the local government sector and advocacy body in relation to a proposal for the mandatory provision of additional gender reassignment leave entitlements for Council staff across NSW.
2. Write to Local Government NSW, outlining the above.

The Motion on being Put was declared **LOST** on the casting vote of the Mayor.

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

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

Min. 609 C11/23-438 Notice of Motion - Request for Marked Pedestrian Crossings Warrant Policy

Motion (Hughes/Garrard)

As Transport for NSW (TfNSW) now permits local governments to develop their own Policy and Guidelines (including Warrants) for marked pedestrian crossings, it allows implementation to our communities of safety contributions for local needs. Council therefore requests that the General Manager provide a report to Council which will:

1. Undertake a major study for the establishment of a marked pedestrian crossings warrant policy in order to contribute to road safety and improve amenity for the community;
2. Ensure the study comprises situational criteria coverage including, but not exhaustive of:
 - non-arterial roads
 - roads with a speed limit of 50 kph or less
 - adequacy of sight distancing between vehicles and pedestrians
 - appropriate street lighting requirements
3. Provide opportunity at relevant road sites of potential variations as required for safer travel within close proximity to, but not exhaustive of
 - schools:
 - aged care and retirement facilities
 - medical facilities
 - public spaces
 - major transport facilities
 - local shop categories
 - religious premises
 - licensed premises

Amendment (Colman/Saha)

Omit the words after the preamble and add the following:

Council therefore requests that a workshop be arranged to brief Councillors on:

1. Transport for NSW Pedestrian Crossing warrant system.
2. Pedestrian Crossing Guideline effective from 13 September 2022.
3. Whether a local Pedestrian Crossing Warrant Policy is necessary and/or desirable.
4. Recommendations on clauses to be included in a local policy if it is determined it is required.

The proposed Amendment was accepted by the Mover and Seconder of the Motion, and was incorporated to become the substantive Motion as follows:

Motion (Hughes/Garrard)

As Transport for NSW (TfNSW) now permits local governments to develop their own Policy and Guidelines (including Warrants) for marked pedestrian crossings, it allows implementation to our communities of safety contributions for local needs.

Council therefore requests that a workshop be arranged to brief Councillors on:

1. Transport for NSW Pedestrian Crossing warrant system.
2. Pedestrian Crossing Guideline effective from 13 September 2022.
3. Whether a local Pedestrian Crossing Warrant Policy is necessary and/or desirable.
4. Recommendations on clauses to be included in a local policy if it is determined it is required.

During the consideration of this item, Councillor Colman raised a Point of Order, citing an alleged breach of the *Code of Meeting Practice*, stating that Councillor Garrard swore at her.

The Mayor, Councillor Lake stated that while Councillor Garrard did swear, it was did not appear to be directed at Councillor Colman. The Mayor, Councillor Lake advised Councillor Garrard to finalise his speech.

During the consideration of this item, Councillor Colman raised a further Point of Order, citing an alleged breach of the *Code of Meeting Practice*, stating that Councillor Garrard should not be allowed to speak on the Motion for a second time. The Mayor, Councillor Lake upheld the Point of Order, and asked Councillor Garrard to take his seat.

Due to repeated disorder, the Mayor Councillor Lake deferred the consideration of this item to the next Ordinary meeting of Council, scheduled for the 6th of December 2023 at 6.30pm, and subsequently closed the meeting at 9.32pm.

Councillor Rahme left the Meeting at 9:17pm and returned at 9:20pm during the consideration of this item.

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

Councillor Cummings left the Meeting at 9:31pm during the consideration of this item and did not return.

AR11/23-1 Notice of Motion to Alter Council Resolution - C10/23-404 Planning Proposal - 25 South Parade, Auburn (Motion Withdrawn)

This Motion was withdrawn.

The Mayor, Councillor Lake closed the meeting at 9.32pm.

Chairperson _____ General Manager _____