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## Minutes of the Council Meeting 15 July 2020

### Meeting commenced at 6:30pm

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#### Present:

Steve Christou (Mayor)	Councillor
Eddy Sarkis (Deputy Mayor)	Councillor
Ned Attie	Councillor
George Campbell	Councillor (via web conferencing)
Greg Cummings	Councillor
Glenn Elmore	Councillor
Paul Garrard	Councillor
Ola Hamed	Councillor
Kun Huang	Councillor
Lisa Lake	Councillor
Joseph Rahme	Councillor
Suman Saha	Councillor
Michael Zaiter	Councillor
Tom Zreika	Councillor
Hamish McNulty	General Manager
Melissa Attia	Director Community and Organisation Development
Daniel Cavallo	Director Environment & Planning
Richard Sheridan	Director Finance & Governance
Stewart Rodham	Acting Director Works & Infrastructure

#### Also Present:

Charlie Ayoub	Executive Manager Corporate Services
Colin McFadzean	General Counsel
Carol Karaki	Governance Coordinator
Laith Jammal	Governance Officer

#### Opening Prayer

The opening prayer was read by Reverend Brian Rensford from Holroyd New Life Church.

#### 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.

### **Apologies/Leave of Absence**

Nil

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

Councillor Zreika declared a pecuniary interest in item C07/20-501 as he is related to and acts for clients who may benefit from the result of this item. As such, Councillor Zreika exited the Chamber during the consideration of this item.

Councillor Sarkis declared a pecuniary interest in item C07/20-501 Cumberland Local Environmental Plan - Post Exhibition Report on new Planning Controls for Cumberland City as he and his family own property in the LGA other than their primary places of residence. As such, Councillor Sarkis exited the Chamber during the consideration of this item.

Councillor Christou declared a non-pecuniary, less than significant interest in item C07/20-501 as the item being deliberated is a broad planning instrument and to the best of his knowledge, he or any related persons are not subject to gain or loss as a result of this item.

Councillor Saha declared a non-pecuniary, less than significant interest in item C07/20-501 as the item being deliberated is a broad planning instrument and to the best of his knowledge, he or any related persons are not subject to gain or loss as a result of this item.

Councillor Garrard declared a non-pecuniary, less than significant interest in item C07/20-501 as the item being deliberated is a broad planning instrument and to the best of his knowledge, he or any related persons are not subject to gain or loss as a result of this item.

Councillor Hamed declared a non-pecuniary, less than significant interest in item C07/20-501 as the item being deliberated is a broad planning instrument and to the best of his knowledge, he or any related persons are not subject to gain or loss as a result of this item.

Councillor Attie declared a non-pecuniary, less than significant interest in item C07/20-501 as the item being deliberated is a broad planning instrument and to the best of his knowledge, he or any related persons are not subject to gain or loss as a result of this item.

Councillor Zaiter declared a non-pecuniary, less than significant interest in item C07/20-501 as the item being deliberated is a broad planning instrument and to the best of his knowledge, he or any related persons are not subject to gain or loss as a result of this item.

Councillor Huang declared a non-pecuniary, less than significant interest in item C07/20-501 as the item being deliberated is a broad planning instrument and to the best of his knowledge, he or any related persons are not subject to gain or loss as a result of this item.

Councillor Rahme declared a non-pecuniary, less than significant interest in item C07/20-501 as the item being deliberated is a broad planning instrument and to the best of his knowledge, he or any related persons are not subject to gain or loss as a result of this item.

Councillor Rahme left the Meeting at 6:35pm and returned to the Meeting at 6:37pm.

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**Confirmation of Minutes**

**Min.754            C07/20-494 Minutes of the Ordinary Meeting of Council - 1 July 2020**

**Resolved (Sarkis/Cummings)**

That Council confirm the minutes of the Ordinary Meeting of Council held on 1 July 2020 subject to the inclusion of the motion of dissent moved by Councillor Lake in the minutes.

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**Public Forum:**

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

<b>Speaker</b>	<b>Item #</b>	<b>Suburb</b>
Reverend Peter Blayney	C07/20-501 Cumberland Local Environmental Plan - Post Exhibition Report on new Planning Controls for Cumberland City	Guildford
Mr Michael Rowe	C07/20-501 Cumberland Local Environmental Plan - Post Exhibition Report on new Planning Controls for Cumberland City	Sydney
Mr Mohammed Al Zoubi	C07/20-501 Cumberland Local Environmental Plan - Post Exhibition Report on new Planning Controls for Cumberland City	Auburn
Carly and Gordon Lewis	C07/20-501 Cumberland Local Environmental Plan - Post Exhibition Report on new Planning Controls for Cumberland City	Merrylands
Mr Leon Savage	C07/20-501 Cumberland Local Environmental Plan - Post Exhibition Report on new Planning Controls for Cumberland City	Lidcombe
Mr Matt Fisher	C07/20-501 Cumberland Local Environmental Plan - Post Exhibition Report on new Planning Controls for Cumberland City	Auburn

**Speakers on General Items**

<b>Speaker</b>	<b>Subject</b>	<b>Suburb</b>
Mr Rodyon Ng	Planning for Rail Services West of Bankstown Station in 2024	Lidcombe

The Mayor, Councillor Christou advised that 2 public forum written submissions were received in relation to Rates Harmonisation and in relation to Item C07/20-501 Cumberland Local Environmental Plan - Post Exhibition Report on new Planning Controls for Cumberland City. A copy was sent to all Councillors by the officers prior to the meeting. The Mayor, Councillor Christou proceeded to read out the submissions as follows:

**Ms Sharlyn Teo – Community Member – Pemulwuy**

To whom it may concern,

Rates harmonisation is an issue that will affect all rate payers in our community. As of this moment, the only reason I know about the rates harmonisation is because I saw the information on Facebook. How are all rate payers being notified? There will be a great number of our community members who do not have social media, or do not speak English as a first language. We are a multicultural and multilingual community. It concerns me that information about an issue which affects every member of the community is not being disseminated to all those affected. Could I suggest that the submission period be extended, and a notice be sent out with the next rates notice?

Thank you for your time and consideration.

**Ms Yildiz Yigiter– Community Member – Granville**

My name is Yildiz Yigiter, and I am the owner of 116 Elizabeth street Granville. I am addressing council concerning the proposed rezoning of 112, 114 & 116 Elizabeth street from R3 to R4. My property is directly behind the 131, 133, 135, 137, 139 & 141 Woodville road properties. I have been contacting council via email since 2016 in regards to this matter. I believe that my property and the properties of 114 & 112 Elizabeth street should be approved for an R4 rezoning. This is not only for the fact that our properties are within walking distance to Granville train station, but for multiple other reasons such as: our properties are behind the Tafe and are a couple minutes' walk away. There is a bus stop just off Elizabeth street, where multiple buses go to Bankstown and directly to Parramatta, along with a bus stop on the Avenue which goes to a variety of locations. Merrylands station is within walking distance.

In addition, there are multiple properties that are not situated along Woodville road, yet they have been included as part of the Woodville road project. These properties are on William, John, Meadows, Claremont and Lumeah Streets, and Patten avenue and Merrylands road. I hope this information above, alongside the recommendation by the Cumberland Local Planning Panel will allow you to approve my property within the Woodville Road Corridor.

Thank you for your considerations.

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**Min.755          Suspension of Standing Orders****Resolved (Attie/Hamed)**

That in accordance with Clause 8.2 of the Code of Meeting Practice, Council suspend standing orders to allow Item C07/20-501 to be brought forward for consideration at this time of the Meeting.

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**Min.756          C07/20-501 Cumberland Local Environmental Plan - Post Exhibition Report on new Planning Controls for Cumberland City**

**Note:** Councillors Sarkis and Zreika exited the Chamber at 7:12pm and returned to the Chamber at 8:30pm following the consideration of this item as they had declared a pecuniary interest in this item.

**Motion (Attie/Garrard)**

That Council:

1. Note the submissions received prior to, during and immediately following the public exhibition period for the new Cumberland Local Environmental Plan.
2. Note the advice from the Cumberland Local Planning Panel on the planning proposal for the new Cumberland Local Environmental Plan
3. Endorse the planning controls for Cumberland City, as provided at Attachment 1, which were included in the draft planning proposal for the Cumberland Local Environmental Plan including the following additions;
  - a. Include the land use “home businesses” as permitted with consent in the RE1 Public Recreation and RE2 Private Recreation zones.
  - b. Include the land use “residential flat buildings” as permitted with consent in the B2 Local Centre & B4 Mixed Use zones.
  - c. Amend the minimum lot size for attached dual occupancies from current controls in the R2 Low Density Residential zone to 550 square metres & R3 Medium Density Residential zone to 530 square metres and allow Torrens Title Subdivision for dual attached occupancies.
  - d. Include a minimum lot size for detached dual occupancies in the R2 Low Density Residential & R3 Medium Density Residential zones to reflect 600 square metres and allow Torrens Title Subdivision for detached dual occupancies.
  - e. Include the ALEP 2010 Floor Space Ratio controls for the R2 Low Density Residential zone.
  - f. Allow an increase to the existing HOB controls in the R4 High Density Residential, B2 Local Centre & B4 Mixed Use zones of an additional 7 metres (2 additional levels) for all proposed developments whereby the

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Affordable Housing component (in accordance with State Environmental Planning Policy (Affordable Rental Housing) 2009) is 50% or more and an increase of 3.5 metres (1 additional level) where the Affordable Housing component is less than 50%. (Development must be for a land use of Shop Top Housing, Residential Flat Buildings or Boarding Houses only where permissible).

- g. Allow an increase to the existing HOB controls in the B1 Neighbourhood Centre and R3 Medium Density Residential zones of approx. 3.5 metres (1 additional Level) for all proposed developments containing an Affordable Housing component in accordance with the State Environmental Planning Policy (Affordable Rental Housing) 2009. (Development must be for a land use of Boarding Houses or Shop top Housing only where permissible).
4. Endorse the planning controls for places of public worship, as provided at Attachment 5, which were included in the draft planning proposal for the Cumberland Local Environmental Plan.
5. Endorse the planning controls for Cumberland City, as provided at Attachment 7, which reflect proposed general amendments following public exhibition.
6. Endorse the planning controls for Cumberland City, as provided in Attachment 8, which reflect proposed site specific amendments following public exhibition including the following;
  - a. 2 Ruth Street and 6 Burnett Street Merrylands to be zoned B1 Neighbourhood Centre with existing HLEP FSR and Height controls to adjoining B1 Zoned properties.
7. Note all other site specific requests received as part of the process for the new Cumberland Local Environmental Plan.
8. Endorse the strategic planning work program for 2020/21 and 2021/22 on Cumberland City's key centres and strategic corridors, as provided in Attachment 12.
9. Prepare a planning proposal for each of the key centres and strategic corridors identified in the strategic planning work program as provided in Attachment 12, with the following activities to be undertaken prior to further reports being considered by Council:
  - a. Completion of background analysis
  - b. Early community consultation on the planning proposal
  - c. Preparation of draft planning proposal
  - d. Preparation of draft planning controls associated with the planning proposal
  - e. Consideration of draft planning proposal by the Cumberland Local Planning Panel

- f. Councillor briefings prior to early community consultation and prior to consideration by the Cumberland Local Planning Panel
10. Endorse the updated planning proposal for the new Cumberland Local Environmental Plan, as provided at Attachment 13.
  11. Delegate to the General Manager the authorisation to make minor revisions to the planning proposal and supporting documentation, as necessary, following Council's deliberations, to ensure the desired objectives and intended outcomes can be achieved.
  12. Forward the planning proposal for the new Cumberland Local Environmental Plan to the Department of Planning, Industry and Environment for finalisation, in line with agreed State Government milestones.
  13. Note the Cumberland Local Environmental Plan will be published in the Government Gazette upon finalisation.

### **ADJOURNMENT**

**7:18pm** The Mayor, Councillor Christou adjourned the Meeting during the consideration of this item.

**7:35pm** The Mayor, Councillor Christou resumed the Meeting and consideration of this item continued accordingly.

### **Amendment (Lake/Hamed)**

Omit paragraphs 3 and 6 and instead insert paragraph 3 and 6 of the officer's recommendations subject to the following changes to paragraph 3:

1. Recommendation 3  
Add words  
"with the exception of
  - a) The land use tables for R2, B1, B2, B4, B5 and B6, (which should include Places of public worship as permitted with consent), and
  - b) Clause 6.15 relating to minimum lot size for development of a place of public worship in Zones R3 and R4, (which should be omitted)Also,
2. Recommendation 4  
Omit and insert  
"Permit places of public worship with consent in the land use tables for R2, R3, R4, IN1, IN2, B1, B2, B4, B5 and B6"
3. Recommendation 10  
Add words  
"With the exception of the paragraph headed "Places of Public Worship" on page 14 (BP Page 416), the paragraph headed "Places of public worship in Zones R3 and R4" on page 23 (BP page 425) and the final paragraph on page 44 (BP 446) (which should be omitted.)"
4. And any other consequential amendments required to give effect to the above.

The Amendment moved by Councillor Lake seconded by Councillor Hamed on being Put to the meeting was declared LOST.

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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 Amendment: Elmore, Hamed, Huang, Lake and Saha.

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

The Motion moved by Councillor Attie seconded by Councillor Garrard on being Put was declared CARRIED 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 Motion: Attie, Christou, Cummings, Garrard, Rahme and Zaiter.

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

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**Min.757 Motion of Expulsion**

**Note:** Councillor Campbell referred to the Mayor, Councillor Christou as "Madame Mayor" on multiple occasions at this point of the meeting. The Mayor, Councillor Christou and the Deputy Mayor, Councillor Sarkis requested that Councillor Campbell apologise for the remarks made as the remarks were deemed insulting. Councillor Campbell advised that the remarks made were in accordance with Clause 7.1 of the Code of Meeting Practice and refused to apologise.

**Resolved (Attie/Sarkis)**

That Councillor Campbell be expelled from the meeting in accordance with Clause 15.16 of the Code of Meeting Practice.

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 and Zaiter.

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

Councillor Huang requested that this vote be clarified and that Councillor Campbell be returned to the Meeting via audio-visual link whilst it was being clarified.

Councillor Zreika left the Meeting at 8:34pm and returned to the Meeting at 8:43pm during the consideration of this item.



## ADJOURNMENT

**8:39pm** The Mayor, Councillor Christou adjourned the Meeting to enable Councillor Campbell to return to the Meeting via audio-visual link.

**8:45pm** The Mayor, Councillor Christou resumed the Meeting.

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### Min.758 Motion to Recommit

**Note:** Councillors Sarkis noted that the Motion of Expulsion should be recommitted to clarify the votes. Accordingly, the Mayor, Councillor Christou allowed for the Motion to be recommitted.

#### Motion (Sarkis/Rahme)

That Councillor Campbell be expelled from the meeting in accordance with Clause 15.16 of the Code of Meeting Practice.

The Motion moved by Councillor Sarkis seconded by Councillor Rahme 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 Motion: Attie, Christou, Garrard, Rahme, Sarkis and Zaiter.

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

Councillor Cummings left the Meeting at 8:45pm during the consideration of this item.

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### Min.759 Items by Exception

#### Resolved (Sarkis/Attie)

That Council adopt items C07/20-495, C07/20-496 and C07/20-498 on the Council Agenda in bulk as per the recommendations in the reports.

Councillor Cummings returned to the Meeting at 8:48pm during the consideration of this item.

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### Min.760 C07/20-495 Legal Report

#### Resolved (Sarkis/Attie)

That the report be received.

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**Min.761            C07/20-496 Emergency Relief Fund Applications**

**Resolved (Sarkis/Attie)**

That Council endorse the four applications recommended for funding as outlined under Attachment 1 of this report and allocate \$21,590 from the 2020/21 Emergency Relief Fund to support vulnerable community members affected by the COVID-19 pandemic.

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**Min.762            C07/20-498 Bi-Annual Report on Councillor Expenses and Facilities**

**Resolved (Sarkis/Attie)**

That Council:

1. Receive the information contained in this report; and
2. Place a copy of the Councillor Expenses and Facilities Expenditure included under Attachment 1 of this report on Council's website in accordance with clause 15.2 of the *Councillor Expenses and Facilities Policy*.

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**Min.763            C07/20-497 Quarterly Update on the Implementation of the Stronger Communities Fund**

**Resolved (Cummings/Saha)**

That Council:

1. Note the progress on the implementation of the Stronger Communities Fund Major Projects Program.
2. Submit a copy of this report to the Office of Local Government in meeting the reporting requirements of the NSW Government's Stronger Communities Fund Guidelines.
3. Write to the NSW Premier and any other appropriate ministers seeking further funding.

**Carried Unanimously**

Councillor Rahme left the Meeting at 8:56pm and returned to the Meeting at 8:59pm during the consideration of this item.

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**C07/20-498 Bi-Annual Report on Councillor Expenses and Facilities**

This item was dealt with earlier in the meeting.

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**Min.764 C07/20-499 Response to Notice of Motion Council Overheads****Resolved (Attie/Sarkis)**

That Council:

1. Receive and note this report.
2. Be provided with a further report on the following:
  - (a) The reason the sum of \$40,805,447 is presented as the total cost pool;
  - (b) The items included for property development and buildings at \$9,769,441; and
  - (c) The cost driver data for the table on page 49.

**Carried Unanimously**

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**Min.765 C07/20-500 Update on Sale and Remediation of 615A Great Western Highway, Greystanes****Resolved (Sarkis/Cummings)**

That Council:

1. Endorse the approval of a total maximum project variation of \$1,100,089 ex GST, to finalise the remediation of the site to enable the sale to proceed according to the contractual agreement with the purchaser.
2. Delegate authority to the General Manager to finalise the documentation.

**Carried Unanimously**

Councillor Zaiter left the Meeting at 9:11pm and returned to the Meeting at 9:12pm during the consideration of this item.

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**Min.766 Closed Session****Resolved (Attie/Cummings)**

At this stage of the meeting being 9:12pm, 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).*

The Motion moved by Councillor Attie seconded by Councillor Cummings on being Put was declared CARRIED on the casting vote of the Mayor.

