

CANTERBURY BANKSTOWN COUNCIL

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 24 OCTOBER 2017**

PRESENT: His Worship the Mayor, Councillor Asfour,
Councillors Downey, Eisler, El-Hayek, Harika, Huda, Ishac, Kuskoff, Madirazza,
Raffan, Saleh, Tuntevski, Waud, Zakhia, Zaman

APOLOGIES Nil

HIS WORSHIP THE MAYOR DECLARED THE MEETING OPEN AT 6.01 PM.

REF: CONFIRMATION OF MINUTES

(4) CLR. WAUD:/CLR. EL-HAYEK

RESOLVED that the minutes of the Ordinary Council Meeting held on 22 August 2017 be adopted.

- CARRIED

(5) CLR. WAUD:/CLR. EL-HAYEK

RESOLVED that the minutes of the Ordinary Council Meeting held on 26 September 2017 be adopted.

- CARRIED

SECTION 2: LEAVE OF ABSENCE

Nil

SECTION 3: DECLARATIONS OF PECUNIARY INTEREST OR NON-PECUNIARY CONFLICT OF INTEREST

Nil

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SECTION 4: MAYORAL MINUTES

ITEM 4.1 COUNCIL'S ROLE IN PLANNING FOR PRIORITY PRECINCTS

(6) CLR. ASFOUR

RESOLVED that Council write to the Minister in the terms as outlined in the report.

- CARRIED

ITEM 4.2 ROHINGYA REFUGEES

(7) CLR. ASFOUR

RESOLVED that Council donate an amount of \$500 to the United Nations Refugee Agency (UNHCR) to assist Rohingya refugees fleeing Myanmar and these funds be made available from the Council's Community Grants and Events Sponsorship budget.

- CARRIED

ITEM 4.3 RUGBY LEAGUE WORLD CUP

(8) CLR. ASFOUR

RESOLVED that Council provide support and tournament promotion for the upcoming Rugby League World Cup as outlined in the report.

- CARRIED

ITEM 4.4 BREAST CANCER AWARENESS MONTH

(9) CLR. ASFOUR

RESOLVED that Council support the fundraising dinner for BreastScreen NSW by contributing \$2560 towards the booking of two tables each of eight people and these funds to be made available from Council's Community Grants and Events Sponsorship budget

- CARRIED

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SUSPENSION OF STANDING ORDERS

(10)

CLR. DOWNEY:/CLR. WAUD

- i) Permission be granted to those people who have made the necessary application to address Council for five minutes.
- ii) Standing Orders be suspended and Items 5.1 and 7.8 be dealt with now.
- iii) Standing Orders then be resumed.

- CARRIED

ITEM 5.1

913-925 PUNCHBOWL ROAD AND 21 CANTERBURY ROAD, PUNCHBOWL

MR MICHAEL GHEORGHIU (APPLICANT/ARCHITECT) ADDRESSED COUNCIL.

(11)

CLR. HUDA:/CLR. TUNTEVSKI

RESOLVED that the matter be deferred for a Councillor briefing and a further report be submitted to the next available Council meeting.

- CARRIED

ITEM 7.8

ESTABLISHMENT OF COUNCIL COMMITTEES AND REFERENCE GROUPS

DR JANE HUNTER (RESIDENT) ADDRESSED COUNCIL

MOTION

CLR. KUSKOFF:/CLR. WAUD

That -

1. Council approve the Advisory Committee structure as detailed in the report.
2. Council adopt the draft Community Advisory Committee/Reference Group Guidelines, Rules and Charters, as attached.
3. Expressions of Interest be sought from community representatives for membership of advisory committees/reference groups, as outlined in the report.
4. The guidelines relating to the General Managers Performance Review Panel stipulate that the Panel does not have the authority to appoint a General Manager and any appointment can only be made by the Council.
5. The Audit and Risk Committee be reconstituted, with relevant remuneration for independent members, as outlined in the report.
6. Relevant funding be made available through the next quarterly budget review process.

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AMENDMENT

CLR. DOWNEY:/CLR. TUNTEVSKI

That -

1. Council approve the Advisory Committee structure as detailed in the report.
2. Council adopt the draft Community Advisory Committee/Reference Group Guidelines, Rules and Charters, as attached.
3. Expressions of Interest be sought from community representatives for membership of advisory committees/reference groups, as outlined in the report.
4. (a) Councillor representatives to the General Managers Review Panel be the Mayor and three Councillors. The General Manager may also nominate two Councillors and the process is to be externally facilitated with the facilitator being appointed by the General Manager in accordance with the guidelines.
(b) The guidelines relating to the General Managers Performance Review Panel stipulate that the Panel does not have the authority to appoint a General Manager and any appointment can only be made by the Council.
5. The Audit and Risk Committee be reconstituted, with relevant remuneration for independent members, as outlined in the report.
6. Relevant funding be made available through the next quarterly budget review process.

THE AMENDMENT ON BEING PUT WAS CARRIED AND BECAME THE MOTION

THE MOTION ON BEING PUT WAS CARRIED

(12)

CLR. DOWNEY:/CLR. TUNTEVSKI

RESOLVED that -

1. Council approve the Advisory Committee structure as detailed in the report.
2. Council adopt the draft Community Advisory Committee/Reference Group Guidelines, Rules and Charters, as attached.
3. Expressions of Interest be sought from community representatives for membership of advisory committees/reference groups, as outlined in the report.
4. (a) Councillor representatives to the General Managers Review Panel be the Mayor and three Councillors. The General Manager may also nominate two Councillors and the process is to be externally facilitated with the facilitator being appointed by the General Manager in accordance with the guidelines.

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- (b) The guidelines relating to the General Managers Performance Review Panel stipulate that the Panel does not have the authority to appoint a General Manager and any appointment can only be made by the Council.
5. The Audit and Risk Committee be reconstituted, with relevant remuneration for independent members, as outlined in the report.
6. Relevant funding be made available through the next quarterly budget review process.

- CARRIED

STANDING ORDERS WERE RESUMED

SECTION 5: PLANNING MATTERS

ITEM 5.1 **913-925 PUNCHBOWL ROAD AND 21 CANTERBURY ROAD, PUNCHBOWL**
THIS MATTER WAS DISCUSSED PREVIOUSLY. SEE RESOLUTION NO. 11 ON PAGE THREE OF THESE MINUTES

ITEM 5.2 **297-299 CANTERBURY ROAD, CANTERBURY - VOLUNTARY PLANNING AGREEMENT**

(13) **CLR. EISLER:/CLR. TUNTEVSKI**

RESOLVED that

1. Council agree to consider entering into a Voluntary Planning Agreement in respect of land at 297-299 Canterbury Road, Canterbury, relating to the dedication of land required for laneway widening in return for an offset from Section 94 Contributions in the amount of \$150,000.
2. Council exhibit the draft Voluntary Planning Agreement as shown in Attachment A, subject to any minor drafting and editorial amendments required by Council's solicitors that do not alter the substance of the Voluntary Planning Agreement.
3. The matter to be reported to Council following the public exhibition.

- CARRIED

For:- Clrs Asfour, Downey, Eisler, El-Hayek, Harika, Huda, Ishac, Kuskoff, Madirazza, Raffan, Saleh, Tuntevski, Waud, Zakhia and Zaman

Against:- Nil

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SECTION 6: POLICIES MATTERS

ITEM 6.1 COMMUNITY GRANTS AND EVENT SPONSORSHIP POLICY

(14) CLR. DOWNEY:/CLR. WAUD

RESOLVED that Council adopt the Policy as outlined in this report.

- CARRIED

SECTION 7: GOVERNANCE AND ADMINISTRATION MATTERS

ITEM 7.1 OATH OR AFFIRMATION OF OFFICE BY COUNCILLORS

(15) CLR. EL-HAYEK:/CLR. KUSKOFF

RESOLVED that the information be noted.

- CARRIED

ITEM 7.2 QUARTERLY UPDATE ON THE IMPLEMENTATION OF THE STRONGER COMMUNITIES FUND

(16) CLR. DOWNEY:/CLR. KUSKOFF

RESOLVED that

1. Council note the progress of the implementation of the Stronger Communities Fund.
2. Council endorses the Mayor or his delegate to represent Council on the Stronger Communities Fund Assessment Panel.

- CARRIED

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ITEM 7.3 INSTRUMENT OF DELEGATIONS

(17) CLR. DOWNEY:/CLR. ISHAC

RESOLVED that the Instrument of Delegations be adopted.

- CARRIED

ITEM 7.4 PROPOSED LICENCE FOR PORTION OF EDWARDS RESERVE PANANIA

(18) CLR. TUNTEVSKI:/CLR. DOWNEY

RESOLVED that

1. Council confirm its support to enter into a licence with Downer Group to use a portion of Edwards Reserve Panania, as an access-way and construction area for the upgrades to adjoining Panania Railway Station;
2. Council authorise the General Manager to negotiate details of the licence with Downer Group, and
3. The General Manager and Mayor be delegated authority to enter into the licence with Downer Group, as detailed in this Report.

- CARRIED

ITEM 7.5 ALDI CANTERBURY - 73-87 JEFFREY STREET, CANTERBURY – PROPOSED ALTERATION TO EASEMENT FOR PUBLIC CAR PARKING TO ALLOW FOR THE INSTALLATION OF A NEW PASSENGER LIFT

(19) CLR. EISLER:/CLR. MADIRAZZA

RESOLVED that

1. Council agree to vary/modify the easement registered on title on Lot 1 DP 1080044, 73-87 Jeffrey Street, Canterbury, as outlined in this report.
2. The Mayor and General Manager be delegated authority to sign all documentation under the common seal of council, as required.

- CARRIED

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**ITEM 7.6
(20) CODE OF MEETING PRACTICE - 2018 SCHEDULE OF MEETINGS
CLR. ISHAC:/CLR. DOWNEY**

RESOLVED that the 2018 Schedule of Council Meetings be adopted.

- CARRIED

**ITEM 7.7
(21) DISCLOSURE OF INTEREST RETURNS 2016/17
CLR. TUNTEVSKI:/CLR. EL-HAYEK**

RESOLVED that the tabling of the Disclosure of Interest Returns for 2016/17 be noted.

- CARRIED

**ITEM 7.8
ESTABLISHMENT OF COUNCIL COMMITTEES AND REFERENCE GROUPS
THIS MATTER WAS DISCUSSED PREVIOUSLY. SEE RESOLUTION NO. 12 ON PAGE
FOUR OF THESE MINUTES.**

**ITEM 7.9
(22) LOCAL PLANNING PANELS
CLR. WAUD:/CLR. ZAKHIA**

RESOLVED that

1. Expressions of Interest be called for community representatives to the Canterbury-Bankstown Local Planning Panel, which is an external body of the Council.
2. A further report be provided to Council once further information is provided by the Department of Planning and Environment.

- CARRIED

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**ITEM 7.10
(23) CASH AND INVESTMENT REPORT AS AT 31 AUGUST 2017
CLR. ZAKHIA:/CLR. DOWNEY**

RESOLVED that

1. The Cash and Investment Report as at 31 August 2017 be received and noted.
2. The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.

- CARRIED

**ITEM 7.11
(24) CASH AND INVESTMENT REPORT AS AT 30 SEPTEMBER 2017
CLR. DOWNEY:/CLR. ISHAC**

RESOLVED that

1. The Cash and Investment Report as at 30 September 2017 be received and noted.
2. The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.

- CARRIED

**ITEM 7.12
(25) UNAUDITED 2016/17 ANNUAL FINANCIAL REPORT
CLR. TUNTEVSKI:/CLR. MADIRAZZA**

RESOLVED that

1. Council resolves that the attached 2016/2017 Unaudited Annual Financial Reports, covering the period from 13 May 2016 to 30 June 2017 have been prepared in accordance with the relevant sections and parts of the Local Government Act and Regulations, and are submitted to Council for its consideration.
2. The Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer duly sign the Statement of Council's Unaudited Annual Financial Reports on behalf of the Council.

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3. Subject to Item 1 and 2, the Statement and the 2016/17 Unaudited Annual Financial Report be referred to Council's Auditor in finalising the year-end audit process.
4. The General Manager be authorised to set the date for the public meeting and give notice in accordance with the Local Government Act 1993.

- CARRIED

SECTION 8: SERVICE AND OPERATIONAL MATTERS

**ITEM 8.1 ALCOHOL FREE ZONES AND ALCOHOL PROHIBITED AREAS
(26) CLR. DOWNEY:/CLR. EL-HAYEK**

RESOLVED that Council approves the attached Alcohol Free Zone and Alcohol Prohibited Area locations for the manufacture and installation of signage for a period of four years.

- CARRIED

**ITEM 8.2 PROPOSED LICENCE FOR THE COMMUTER CAR PARK AT WILEY PARK RAILWAY
(27) STATION, WILEY PARK
CLR. ZAKHIA:/CLR. ISHAC**

RESOLVED that

1. Council confirm its support to enter into suitable legal arrangements with Rail Corporation New South Wales to use a portion of rail corridor at Wiley Park Railway Station for the use of the proposed commuter carpark.
2. The General Manager be authorised to determine an acceptable form of documentation for this purpose, and to execute such documentation on Council's behalf.

- CARRIED

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SECTION 9: COMMITTEE REPORTS

**ITEM 9.1 MINUTES OF THE CANTERBURY BANKSTOWN TRAFFIC COMMITTEE MEETINGS
HELD ON 12 SEPTEMBER 2017 AND 10 OCTOBER 2017**

(28) CLR. MADIRAZZA:/CLR. DOWNEY

RESOLVED that the recommendations contained in the minutes of the Canterbury Branch Traffic Committee and Bankstown Branch Traffic Committee meetings held on 12 September 2017 and Canterbury Bankstown Traffic Committee held on 10 October 2017, be adopted.

- CARRIED

SECTION 10: NOTICE OF MOTIONS & QUESTIONS WITH NOTICE

ITEM 10.1 DISABILITY ADVOCACY FUNDING

MOTION CLR. DOWNEY:/CLR. TUNTEVSKI

That Canterbury Bankstown Council calls on the NSW Government to commit to fully funding advocacy, informational and peak representational organisations after the implementation of the NDIS in NSW.

AMENDMENT CLR. WAUD:/CLR. ZAKHIA

That the matter be deferred to allow further information regarding services provided by advocacy groups to be obtained.

- LOST

(29) CLR. EISLER:/CLR. ZAKHIA

RESOLVED that Clr Waud be given an extension of two minutes to address Council.

- CARRIED

THE MOTION WAS THEN PUT

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(30) CLR. DOWNEY:/CLR. TUNTEVSKI

RESOVLED that Canterbury Bankstown Council calls on the NSW Government to commit to fully funding advocacy, informational and peak representational organisations after the implementation of the NDIS in NSW.

- CARRIED

ITEM 10.2 E-RENTAL BIKES

(31) CLR. EISLER:/CLR. RAFFAN

RESOLVED that the information be noted.

- CARRIED

SECTION 11: QUESTIONS FOR NEXT MEETING

REF: LIFT ACCESS AT RAILWAY STATIONS

Clr Kuskoff requested the General Manager write to the Minister for Transport highlighting the need for lift access at Chester Hill, Birrong, Yagoona and Punchbowl railway stations.

REF: FIRE RESISTANT CLADDING PRODUCTS

Clr Kuskoff requested information regarding the use of combustible wall cladding in buildings in the Canterbury Bankstown LGA.

The General Manager responded that further information would be provided. He further advised that Council complies with revised State Government guidelines when assessing Development Applications regarding the use of fire resistant cladding products. Council has also written to the State Government recommending that the Building Professional Board should monitor compliance as they are the regulatory body responsible for Private Certifiers.

REF: PAT ROGAN WALKWAY

Clr Downey requested an update on the naming of the proposed "Pat Rogan Walkway" at Padstow.

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REF: INTERSECTION OF EDGAR STREET AND ELDRIDGE ROAD, CONDELL PARK - TRAFFIC CONGESTION

Clr Tuntevski requested to be advised if there has been any financial assistance provided by the State Government in the last six years for this intersection or if there are any plans proposed by the State Government or Council to improve traffic flow at this location.

REF: TRAFFIC CALMING – SANDAKAN ROAD, REVESBY HEIGHTS

Clr Waud enquired if any action had been taken to address resident concerns regarding speeding vehicles in Sandakan Road, Revesby Heights.

The Director Operations advised that traffic speed counts would be undertaken in Sandakan Road, Revesby Heights and residents then consulted regarding the implementation of any proposed traffic calming devices.

REF: TRAFFIC CALMING - AMIENS AVENUE, MILPERRA

Clr Waud enquired if traffic calming devices were being considered for Amiens Avenue, Milperra to address speeding vehicles.

The Director Operations advised that a report regarding the installation of traffic calming devices would be submitted to the November 2017 Traffic Committee.

REF: COMPLIANCE WITH CONDITIONS OF CONSENT

Clr Waud enquired what action is taken when members of the public raise concerns regarding non compliance with conditions of consent.

The General Manager advised that any complaints raised by members of the public regarding compliance with development conditions of consent are investigated promptly and appropriate action taken.

REF: DEVELOPMENT MATTERS/ PLANNING PROPOSALS

Clr Waud requested briefing updates on the following matters:

- Development Application - 15-19 Enterprise Avenue, Padstow
- South East and South West Local Area Plans
- UWS Milperra and Riverlands
- Revesby Heights Ex Servicemans Club
- Controls relating to Dual Occupancies and Villas in Narrow Streets

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REF: ALLUM PARK, GREENACRE

Clr El-Hayek requested an update regarding the proposed resurfacing of Allum Park, Greenacre.

REF: CHRISTMAS CAROLS - WILEY PARK

Clr Saleh asked if Christmas Carols will be held in Wiley Park this year.

The General Manager advised that Christmas Carols are scheduled for Wiley Park.

REF: ILLEGAL DUMPING - ROSELANDS AREA

Clr Zaman requested that instances of illegal dumping in the Roselands area be monitored and appropriate action be taken.

REF: ABANDONED SHOPPING TROLLEYS

Clr Raffan requested information regarding Councils and Shopping Centres (Managements) responsibility regarding abandoned shopping trolleys.

SECTION 12: CONFIDENTIAL SESSION

(32) CLR. DOWNEY:/CLR. ISHAC

RESOLVED that

That, in accordance with Section 10A(2) of the Local Government Act, 1993, the Public and the Press be excluded from the meeting to enable Council to determine Items 12.1, 12.2 in confidential session for the reasons indicated:

Item 12.1 Legal Matter

This report is considered to be confidential in accordance with Section 10A(2)(a) of the Local Government Act, 1993, as it relates to personnel matters concerning particular individuals.

This report is considered to be confidential in accordance with Section 10A(2)(e) of the Local Government Act, 1993, as it relates to information that would, if disclosed, prejudice the maintenance of law.

This report is considered to be confidential in accordance with Section 10A(2)(g) of the Local Government Act, 1993, as it relates

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to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Item 12.2 Provision of Temporary Staff - SSROC

This report is considered to be confidential in accordance with Section 10A(2)(d)(i) of the Local Government Act, 1993, as it relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

- CARRIED

**COUNCIL RESOLVED INTO CONFIDENTIAL SESSION AT 7.22 PM AND
REVERTED BACK TO OPEN COUNCIL AT 7.24PM**

ITEM 12.1

LEGAL MATTER

(33)

CLR. TUNTEVSKI:/CLR. EISLER

RESOLVED that

1. Council note the information contained in this report.
2. Council continue with its current legal engagement, as outlined in the report.
3. Council continue to reflect any financial impacts through its quarterly budget review process.
4. The General Manager be authorised to take all necessary steps to administer the matter, as required.
5. Further reports be provided on the matter, as required.

- CARRIED

ITEM 12.2

PROVISION OF TEMPORARY STAFF - SSROC

(34)

CLR. EL-HAYEK:/CLR. DOWNEY

RESOLVED that

1. Council accepts the SSROC preferred panel of contractors list, on a non-exclusive basis, for the provision of temporary staff, for a period of three (3) years with a provision to extend for two by one (2x1) year periods. Any extensions are subject to contractor's performance and approval of the General Manager.

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2. The General Manager be authorised to enter into the applicable “Commissioning” agreements with the relevant contractors in accordance with the Council’s resolution above.
3. Council agrees that SSROC notify unsuccessful tenderers of the results of the tender process.

- CARRIED

THE MEETING CLOSED AT 7.25 P.M

Minutes confirmed 28 NOVEMBER 2017

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Mayor